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REGISTER RULES OF GOVERNMENTAL AGENCIES



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ILLINOIS REGISTER

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EDITOR'S NOTE: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indices are as follows:

Issue 16 - April 14, 2000: Data Through March 31, 2000

Issue 29 - July 14, 2000: Data Through June 30, 2000

Issue 42 - October 13, 2000: Data Through September 30, 2000

Issue 3 - January 19, 2001: Data Through December 31, 2000 (Annual)

NOTED BY THE BOARD

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DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Emergency Community Services Homeless Grant Program

- 2) Code Citation: 47 Ill. Adm. Code 125

- 3) Section Numbers: Proposed Action:

125.10 Repeal
 125.20 Repeal
 125.30 Repeal
 125.40 Repeal
 125.50 Repeal
 125.60 Repeal
 125.70 Repeal
 125.80 Repeal
 125.90 Repeal
 125.100 Repeal
 125.110 Repeal
 125.120 Repeal
 125.130 Repeal
 125.140 Repeal

- 4) Statutory Authority: Implementing Title VII, Subtitle D of the Stewart B. McKinney Homeless Assistance Act (42 USC 11461-11464 and 11472, as amended by P.L. 100-628, effective November 7, 1988 and P.L. 101-645, effective November 29, 1990) and the Illinois Economic Opportunity Act [20 ILCS 625] and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95].

- 5) A Complete Description of the Subjects and Issues Involved: These rules were promulgated relative to the Department's administration of the federally-funded Emergency Services Homeless Grant Program. This program was a part of the Stewart B. McKinney Homeless Assistance Act of 1987 and was funded to the State from 1988 through September 1995. It was eliminated as a federal program in 1995 and has not been funded since that time. This repealer is in the public interest because these rules are obsolete.

- 6) Will these rulemaking replace emergency repealer currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed repealer contain incorporations by reference? No

- 9) Are there any repealers pending on this part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 605].

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Ms. Raya Bogard
 Illinois Administrative Code Rules Manager
 James R. Thompson Center
 100 West Randolph
 Suite 3-400
 Chicago, Illinois 60601
 312-814-9593

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses and small municipalities affected: None
 B) Reporting, bookkeeping or other procedures required for compliance: None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated.

The full text of the Proposed Repealer begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER 1: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 125

EMERGENCY COMMUNITY SERVICES HOMELESS GRANT PROGRAM (REPEALED)

Section	Purpose and Scope
125.40	Incorporation by Reference
125.30	Legislative Base
125.40	Definitions
125.50	Allocation of Funds to Grantees
125.60	Eligible Use of Funds
125.70	Eligible Grantees
125.80	Required Board Structure
125.90	Grant Application Requirements
125.100	Grantee Termination
125.110	Selection of Successor Agency
125.120	Client Eligibility Requirements
125.130	Administrative Requirements
125.140	Complaint Process

AUTHORITY: Implementing Title VII, Subtitle D of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11461-11464 and 11472, as amended by P.L. 100-628, effective November 7, 1988 and P.L. 101-645, effective November 29, 1990), and the Illinois Economic Opportunity Act (Ill. Rev. Stat. 1991, ch. 127, pars. 2601 et seq., as amended by P.A. 87-926, effective August 26, 1992) [20 ILCS 625/1 et seq.] and authorized by Section 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 46.42) [20 ILCS 605/46.42].

SOURCE: Adopted at 17 Ill. Reg. 6180, effective April 5, 1993; repealed at 24 Ill. Reg. _____, effective _____.

Section 125.10 Purpose and Scope

The purpose of this Part is to provide rules relative to the administration of the Emergency Community Services Homeless Grant Program (EHP) within the State of Illinois. The promulgation of clear-cut program rules for the EHP will ensure the maximum and efficient use of funds to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on elderly persons, handicapped persons, native Americans, and families with children within the State.

Section 125.20 Incorporation by Reference

Any incorporation by reference in this Part of the rules and regulations of

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

any agency of the United States or of standards of a nationally recognized organization or association includes no new amendments or editions made after the date specified.

Section 125.30 Legislative Base**a) Federal**

- 1) On July 22, 1987, Congress passed the Stewart B. McKinney Homeless Assistance Act of 1987 (P.L. 100-77, effective July 22, 1987) which established fourteen separate programs to assist homeless persons, including the EHP.
- 2) The EHP was enacted as Subtitle D of Title VII of the Stewart B. McKinney Homeless Assistance Act (Act) (42 U.S.C. 11461-11464 and 11472), as amended by P.L. 100-628, effective November 7, 1988 and P.L. 101-645, effective November 29, 1990.
- 3) The U.S. Department of Health and Human Services (DHHS) through the Office of Community Services was authorized to make EHP grants to states that administered programs under the Community Services Block Grant (CSBG) Act (42 U.S.C. 9901 et seq.). Allocations to the states were made in accordance with the formula set forth in Section 674 (a)(1) of the CSBG Act.
- 4) Section 754 of the Act authorized an appropriation of \$50,000,000 for Subtitle D, for each of the fiscal years 1991, 1992, and 1993, and such sums as determined by Congress for the succeeding fiscal years to carry out the provisions of the Act.
- 5) States were eligible to receive funds under this Act on October 12, 1987.

b) State

The Act requires that funds appropriated for the EHP program be distributed to states that receive funds under the CSBG Act. The Department of Commerce and Community Affairs (Department) was designated by the Governor and has been operating the CSBG program since September 9, 1981. As part of its federal grant application to the DHHS for FY 87, the Department provided assurance that it would comply with the Act and DHHS regulations for the EHP (45 CFR 1080 - October 1, 1991 edition, as amended June 23, 1992 at 57 FR 27943-27946).

Section 125.40 Definitions

"Community Action Agency (CAA)" - A governmental or not-for-profit agency established to carry out anti-poverty activities and possessing a unique governing or administering board structure as cited in Section 125.80 of this Part.

"Equipment" - Nonexpendable personal property having a useful life of more than one year and an acquisition cost of \$1,000 or more per unit.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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"Grant Document" - EHP grant document between the Department and the grantee for a specific program period which details the responsibilities of each party.

"Grantee" - The local organization administering the CSBG/EHP in a specified geographic area.

"Homeless or Homeless Individual" -

An individual who lacks a fixed, regular, and adequate nighttime residence; and

An individual who has a primary nighttime residence that is: A. supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);

An institution that provides a temporary residence for individuals intended to be institutionalized; or ordinarily used as, a regular sleeping accommodation for human beings. The term does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law.

"Near-Homeless Individual" - An individual who has received a notice of foreclosure, eviction or termination of utility services and is in imminent danger of losing his/her fixed, regular and adequate nighttime residence.

"poverty" - Income levels which are at or below the poverty income guidelines published by the DHHS annually.

Section 125.50 Allocation of Funds to Grantees

In accordance with the DHHS Rules (45 CFR 1080.3) and Section 752(a) of the Act, the State shall allocate not less than 95% of the amount it receives to eligible Grantees who collectively represent all of Illinois' 102 counties and the City of Chicago. This allocation shall be based upon the Grantees' jurisdictional share of the State's poverty population. The remaining 5% of the allocation shall be used to defray State administrative costs. No amount allocated shall be used to supplant other programs for homeless individuals administered by the State.

Section 125.60 Eligible Use of Funds

EHP funds shall only be used for one or more of the following activities relating to assisting homeless and near-homeless individuals to become self-sufficient, contributing members of the local society. They are as follows:

a) Eligible Activities

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- 1) Expansion of comprehensive services to homeless individuals to provide follow-up and long-term services to enable homeless individuals to make the transition out of poverty.
- 2) Renovation of buildings to be used to provide such services, except that not more than 50% of the State's annual portion allocated to CAAs may be used for such purpose, and provided that all procedures required under the National Historic Preservation Act (16 U.S.C. 470f) are followed.
- 3) Provision of assistance in obtaining social and maintenance services and income support services for homeless individuals.
- 4) Promotion of private sector and other assistance to homeless individuals.
- 5) Provision of assistance to any individual who has received a notice of foreclosure, eviction or termination of utility services if:
 - A) The inability of the individual to make mortgage, rental, or utility payments is due to a sudden reduction in income;
 - B) The assistance is necessary to avoid the foreclosure, eviction or termination of utility services; and
 - C) There is a reasonable prospect that the individual will be able to resume the payments within a reasonable period of time.
- 6) Provision of, or referral to, violence counseling for homeless children and individuals, and the provision of violence counseling training to individuals who work with homeless children and individuals.

- b) Limitations
 - In accordance with 45 CFR 1080.5(b)(5), Grantees are limited to 25% of their EHP allocation for the activities specified in subsection (a)(5) of this Section.

Section 125.70 Eligible Grantees

The Department shall award 95% of all EHP funds it receives to:

- a) CAAs that are eligible to receive amounts under Section 675 (c)(2)(A) of the CSBG Act and
- b) Organizations serving migrant and seasonal farmworkers.

Section 125.80 Required Board Structure

For the purpose of this Part, the provisions governing required board structure found in 47 Ill. Adm. Code 120.70 are applicable.

Section 125.90 Grant Application Requirements

In preparing its application for funding assistance under the EHP, the grant applicant shall submit the following information:

- a) Annual Work Program - The work program shall narrate the objectives

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

and activities proposed to be undertaken with grant funds. The work program shall detail specific annual objectives and the activities proposed to meet each objective, the agency responsible for carrying out the activity (if other than the grant applicant), and the costs to be incurred in carrying out the activities (including non-EHP costs).

- b) Annual Budget - The grant budget shall be broken out by cost categories on the budget forms provided by the Department. The Department may require that a complete annual budget be submitted which provides budget detail on all programs and sources of funding if: there have been problems with past audits of the grant applicant, the Department has no experience in dealing with the applicant, the grant applicant lacks a cost allocation plan, or other related incidents have occurred making it necessary to obtain the additional information about the grant applicant.

- c) Description of Program Linkages - The grant applicant shall state its major work activities which impact upon programs funded by EHP and indicate the manner in which the programs are coordinated within the agency to ensure that the multiple needs of the poor are being addressed.

- d) Other Funds (non-EHP) and Primary Sources(s) - The grant applicant shall list any other (non-EHP) funds being used to support any particular work program.

- e) Statement of Coordination - The grant applicant shall outline its program of coordination with other agencies and community programs that impact its programs. The statement shall include coordination mechanisms established by the applicant and cite interagency agreements or contractual arrangements used to support coordinated service delivery. At a minimum, local coordination shall include Public Aid; the Job Training Partnership Act; General or Transitional Assistance; feeding programs; food pantries; shelter providers; and local church, social or civic groups providing services to homeless individuals.

- f) Assurances and Certifications - As provided in the grant application, the grant applicant shall certify its compliance with all applicable State and Federal laws and regulations dealing with the receipt and expenditure of grant monies.

Section 125.100 Grantee Termination

For the purpose of this Part, provisions governing Grantee termination as specified in 47 Ill. Adm. Code 120.55 are applicable.

Section 125.110 Selection of Successor Agency

For the purpose of this Part, the provisions governing Grantee selection found in 47 Ill. Adm. Code 120.60 are applicable.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

Section 125.120 Client Eligibility Requirements

- a) Client eligibility for the EHP is limited to homeless and near-homeless individuals (as defined in Section 125.40 of this Part) in accordance with the following:

- 1) The majority of the clients served (at least 51%) shall have incomes at or below the poverty level.
- 2) Assistance may also be provided to "low-income" clients whose incomes are at or below 125% of the poverty level.
- 3) Grantees may use up to 10% of their EHP funds to provide extreme emergency assistance to clients who are above the EHP income guidelines specified in subsections (a)(1) and (2) of this Section. This provision allows Grantees to provide urgently needed assistance to clients who are not poor but have fallen victim to natural or man-made disasters (e.g., floods, fires, tornadoes, accidents, crime). Special written authorization shall be obtained from the Department if the number of clients in this category will exceed 10% of the total EHP clients served in a grant period.
- b) Client income may be determined by actual annual income or a projection of income based on the prior 90 days, whichever is most beneficial to the client.

Section 125.130 Administrative Requirements

- a) Compensation - The Grantee cannot be reimbursed for costs which exceed the total approved budget. Budget line items within and between cost categories may be increased without prior approval by up to 20% when other line items or cost categories are reduced by corresponding monetary amounts in other categories. The administration cost category may only be reduced and the special cost category may only be increased. Equipment and contractual service line items shall not be increased without prior approval. The Department shall grant approval to modify budgeted amounts when modification is necessary to achieve program objectives.

- b) Unexpended Funds - An EHP fund balance from the previous fiscal year shall be, subject to written approval of the Department, carried into the Grantee's succeeding fiscal year EHP program. The carry-over amount shall not exceed 20% of the Grantee's EHP allocation for the year in which the fund balance occurs. The carry-over funds shall not reduce the succeeding fiscal year allocation, but the succeeding year's work program shall reflect additional planned program achievements with reasonable probability of accomplishing those planned achievements so as to eliminate future substantive unexpended balances.

- c) Accounting Requirements - The Grantee's fiscal system shall provide for the accountability and management of grant funds in accordance with State requirements. The Grantee's financial management of EHP

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

funds shall provide for accurate, current, and complete disclosure of the financial results of the program in accordance with generally accepted accounting principles of the American Institute of Certified Public Accountants (AICPA, June 1988). The grantee shall keep financial records which detail the expenditure of grant funds and accurately document financial reporting to the Department. The grantee shall maintain effective control and accountability over all funds, equipment, property, and other assets under the grant agreement as required by the Department. The grantee shall keep records sufficient to permit the tracing of funds to a level of expenditure adequate to ensure that funds have not been spent unlawfully.

- d) Monthly Reports - Grantees shall submit an expenditure report to the Department no less frequently than the fifteenth calendar day of each month after the first month of the grant period.
- e) Quarterly Reports - Grantees shall submit program reports to the Department by the 15th day following the end of each program quarter. Such reports shall meet the requirements of 45 CFR 1080.8 and shall be submitted on forms provided by the Department.
- f) Other Reports - Grantees shall submit other programmatic reports as may be required by the Department.
- g) Subcontracts and Subgrants - The Grantee's services, duties and responsibilities specified herein shall not be subcontracted or subgranted by the grantee without prior written approval of the Department. Any subcontracts or subgrants shall comply with the provisions of the grant agreement, shall be in written form, and shall be submitted within 30 calendar days after execution for final approval.
- h) Nonexpendable Personal Property - The Grantee shall not purchase nonexpendable personal property costing \$1,000 or more without the Department's prior approval. The Grantee may hold title in its name to all equipment or nonexpendable tangible personal property purchased with grant funds for program operation subject to the following: It is understood that nonexpendable personal property purchased by the grantee with funds provided under the grant and nonexpendable personal property received from the grantor shall not be the property of the grantee but shall be held by it in trust for the benefit of the people of the State of Illinois. As such, the grantee shall not sell, abandon or otherwise dispose of such property without the prior written approval of the Department. Equipment shall be used on the original project as long as needed. While being used on the original project, equipment may be available for "shared use" with other activities, provided that use will not interfere with its use for the original project. When no longer needed for the original purpose, equipment may be used for other projects subject to the Department's written approval. The grantee shall maintain appropriate property records and annually conduct an inventory of all equipment or nonexpendable personal property

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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- i) EHP program. These audits shall be conducted by auditors selected by the grantee. Grantees classified as units of local government are subject to the Single Audit Act of 1984 (31 U.S.C. 7501-7507) and shall procure and manage their audits accordingly. Grantees which are nonprofits or institutions of higher learning shall conduct their audits in accordance with Office of Management and Budget Circular A-133 entitled "Audits of Institutions of Higher Education and Other Nonprofit Organizations", published in the Federal Register on March 1, 1991 at 56 FR 8712-8718. The audit shall be performed by an independent public accountant, certified and licensed by a regulatory authority of the State of Illinois. The audit shall be conducted in accordance with "Government Auditing Standards, Standards for Audit of Governmental Organizations, Programs, Activities, and Functions" (1988 revision) and the "Compliance Supplement for Single Audits of State and Local Governments" (April 1985). Further, the Department reserves the right to conduct special audits, at any time, of any funds expended under the grant agreement or of the grantee's agency-wide financial statements. The Department shall have the right to examine corporate books and records which may be necessary to test the allocation equity of grant funds and to determine the ability of the grantee to safeguard the funds. The grantee shall fully cooperate, in a timely manner, in preparing for and conducting the audit and in the resolution of audit findings.
- j) Monitoring and Evaluation - The Department will periodically monitor and evaluate the grantee for compliance with the rules, regulations, and conditions governing the grant agreement. The grantee shall be evaluated to gauge its impact upon the homeless community and for the effective and efficient utilization of EHP funds. Evaluations shall occur both during the operation of the program and upon its completion.
- k) Nondiscrimination - For the purpose of this Part the provisions of 47 Ill. Adm. Code 120.90 are applicable.

Section 125.140 Complaint Process

In the event of an Applicant, Grantee, or EHP program eligible client complaint, the Department shall follow the procedures outlined in 47 Ill. Adm. Code 10, with the exception of complaints relating to funding termination of CAAs. Those complaints and appeals shall follow the process described in 47 Ill. Adm. Code 120.55 of the CSBG Rules.

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Human Rights Authority
- 2) Code Citation: 59 Ill. Adm. Code 310
- 3) Section Numbers: Proposed Action:
310.30 Amendment
- 4) Statutory Authority: Implementing and authorized by the Guardianship and Advocacy Act [20 ILCS 3955]
- 5) A Complete Description of the Subjects and Issues Involved: The Guardianship and Advocacy Commission is amending Section 310.30 to clarify the amount of time the regional Human Rights Authority Members may serve if appointed to fill the remainder of another's unexpired term. If the amount of time is 23 months or less, the member may then serve two additional three year terms.
- 6) Will this proposed amendment replace emergency rules currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this part? No
- 10) Statement of Statewide Policy Objectives (if applicable): The proposed amendment will have no impact upon units of local government.
- 11) Time, Place, and Manner in which interested persons may comments on this proposed rulemaking: Interested persons may submit written comments to:

Teresa Parks
Director, Human Rights Authority
Illinois Guardianship and Advocacy Commission
5407 North University, Suite 7
Peoria IL 61614-4785
Telephone: 309/693-5001
312/793-5937 (TDD)

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and non profit corporations affected: None

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- B) Reporting, bookkeeping or other procedures required for compliance:
None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 59: MENTAL HEALTH
CHAPTER III: GUARDIANSHIP AND ADVOCACY COMMISSION

PART 310
HUMAN RIGHTS AUTHORITY

Section

310.10 Authority and Purpose

310.20 General Provisions

310.30 Membership and Organization

310.40 Meetings

310.50 Complaints

310.60 Investigations

310.70 Recommendations and Findings

310.80 Confidentiality

310.90 Limitations

AUTHORITY: Implementing and authorized by the Guardianship and Advocacy Act [20 ILCS 3955].

SOURCE: Adopted at 5 Ill. Reg. 13223, effective November 13, 1981; codified at 7 Ill. Reg. 12866; amended at 10 Ill. Reg. 7778, effective April 30, 1986; amended at 24 Ill. Reg. 13029, effective August 21, 2000; amended at 24 Ill. Reg. _____, effective _____.

Section 310.30 Membership and Organization

- a) Membership
Each regional authority shall consist of 9 ~~nine~~ members appointed by the Commission (Section 14 of the Act).
- b) Duration of Term
Members of the regional authorities shall serve for a term of 3 ~~three~~ years. No member shall serve for more than 2 ~~two~~ consecutive 3 ~~three~~ year terms. (Section 14 of the Act) After a one-year absence, if a vacancy occurs on a regional authority the Commission may appoint a former member who satisfactorily served prior terms of appointment.
- c) Removal of Member
1) The Commission on its own initiative may remove for incompetence, neglect of duty, or malfeasance in office any member of a regional authority. (Section 14 of the Act)
- 2) A regional authority shall recommend to the Commission the removal of one of its members if:
- A) the regional authority has given written notice to the member of its intention to recommend removal and the reason for the removal; and
- B) the member is given an opportunity at the next regularly scheduled meeting of the authority to explain, either orally or in writing, why a recommendation of removal shall not be

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- made; and
- C) a majority vote of the regional authority members in attendance and constituting a quorum of the regional authority at a regularly scheduled or special meeting, for good cause shown, votes to recommend the member's removal; and
- D) a written request for removal is made to the Commission with a statement of the reasons for the removal, together with any explanation offered by the member to the members of the regional authority; a copy of the request shall also be forwarded to the member.
- 3) A member who misses 3 ~~three~~ consecutive meetings shall be notified by the regional authority that failure to attend the next meeting, unless for reasons beyond the member's control, shall result in a request for the member's removal.
- d) Vacancies
Vacancies in regional authorities shall be filled within 60 days after declaration of the vacancy in the same manner as original appointments (Section 14 of the Act). A person appointed to fill a vacancy shall serve for the remainder of the unexpired term. If the remainder of the unexpired term is less than 23 months 2 ~~years~~, the person shall be eligible for 2 additional 3 year terms.
- e) Compensation
Members of the regional authorities shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of their duties (Section 14 of the Act) in accordance with 80 Ill. Adm. Code 2800.
- f) Officers
At its annual June meeting each regional authority shall elect a chairperson, vice-chairperson, secretary and any other officers it deems necessary. Should circumstances arise to prevent holding the annual meeting in June, the annual meeting shall become the next immediate meeting held by the regional authority.
- g) Committees
A regional authority may establish such committees as it deems necessary to achieve its stated purpose.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Data Collection

2) Code Citation: 77 Ill. Adm. Code 2510

3) Section Numbers: Proposed Action:

2510.10 Amendment

2510.40 Repeal

2510.50 Amendment

2510.55 Amendment

2510.80 Amendment

2510.90 Amendment

APPENDIX F

APPENDIX G

APPENDIX H

APPENDIX I

4) Statutory Authority: Implementing Article IV and authorized by Section 2-3 of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. IV and 2-3].

5) A Complete Description of the Subjects and Issues Involved: The amendments are in response to Senate Bill 1657 which provides for the agency to begin collecting outpatient surgical data from hospitals and licensed ambulatory surgical treatment centers (ASTCs) beginning January 1, 2000 as well as financial reporting.

6) Will this proposed amendment replace an emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this amendment contain an incorporation by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands a state mandate.

11) Time, Place and Manner in which interested persons may comment on this rulemaking: Comments may be submitted in writing within 45 days after this issue of the *Illinois Register* to:

Norman Roughley
Supervisor, Health Care Industry Relations
Provider Assistance Division
Illinois Health Care Cost Containment Council
4500 South Sixth Street Road, Suite 215
Springfield, Illinois 62703-5118

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

217/786-7001, extension 108

12) Initial Regulatory Flexibility Analysis:

A) Type of small business affected: Hospitals and licensed ambulatory surgical treatment centers

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Type of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The need for the rulemaking was not anticipated at that time.

The full text of the Proposed Amendments begins on the next page:

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

TITLE 72: PUBLIC HEALTH
CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCILPART 2510
DATA COLLECTION

Section

- 2510.10 Purpose
2510.20 Outside Contractor
2510.30 Collection and Submission of Hospital Financial Data
2510.40 Submission of Medicaid Cost Reports (Repealed)
2510.50 Collection of Billing Information on Uniform Billing Form
2510.55 Report of Inpatient Discharges
2510.60 Quarterly Reports
2510.60 Special Studies and Analysis
2510.70 Confidentiality
2510.80 Format of the Financial Data Report
2510.85
2510.90 Provider Hospital Review

APPENDIX A Illinois Health Care Cost Containment Council Annual Financial

- Data Report
APPENDIX B UB-82 Magnetic Media Record Format
APPENDIX C UB-82 Uniform Bill Data Fields
APPENDIX D UB-92 Magnetic Media Record Format
APPENDIX E UB-92 Uniform Bill Data Fields
APPENDIX F Ambulatory Surgical Magnetic Media Record Format Option 1/UB92 Form
APPENDIX G Ambulatory Surgical Data Fields Option 1/UB92 Form
APPENDIX H Ambulatory Surgical Magnetic Media Record Format Option 2/1500 Form
APPENDIX I Ambulatory Surgical Data Fields Option 2

AUTHORITY: Implementing Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. IV and 2-3].

SOURCE: Adopted and codified at 9 Ill. Reg. 12726, effective August 5, 1985; amended at 10 Ill. Reg. 18790, effective October 17, 1986; amended at 11 Ill. Reg. 1574, effective January 2, 1987; amended at 12 Ill. Reg. 6102, effective March 21, 1988; amended at 13 Ill. Reg. 334, effective December 30, 1988; amended at 14 Ill. Reg. 2078, effective January 19, 1990; amended at 16 Ill. Reg. 8980, effective June 3, 1992; emergency amendment at 16 Ill. Reg. 19210, effective November 25, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2031, effective January 29, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 9700, effective June 10, 1993; amended at 17 Ill. Reg. 9896, effective June 10, 1993; emergency amendment at 17 Ill. Reg. 14112, effective August 10, 1993, for a maximum of 150 days; emergency expired on January 7, 1994; amended at 18 Ill. Reg. 5300, effective March 21, 1994; emergency amendment at 18 Ill. Reg. 14809, effective September 12, 1994, for a

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maximum of 150 days; amended at 18 Ill. Reg. 16810, effective November 4, 1994; amended at 19 Ill. Reg. 1825, effective February 6, 1995; amended at 19 Ill. Reg. 9113, effective June 23, 1995; emergency amendment at 19 Ill. Reg. 15097, effective October 11, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16046, effective November 17, 1995; amended at 20 Ill. Reg. 4727, effective March 6, 1996; emergency amendment at 21 Ill. Reg. 3277, effective February 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 8964, effective July 1, 1997; emergency amendment at 21 Ill. Reg. 12661, effective September 2, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1325, effective December 23, 1997; amended at 25 Ill. Reg. _____, effective _____.

Section 2510.10 Purpose

The purpose of this Part is to insure that data are available to make valid comparisons among health care providers Hospitals of prices and utilization of for services provided and to support ongoing analysis of the health care delivery system so that the Illinois Health Care Cost Containment Council ("the Council") can fulfill its mandate. [20 ILCS 2215/4-1] (Ill. Reg. Stat. 1984-Suppl. ch. 111-177, par. 6584-1).

(Source: Amended at 25 Ill. Reg. _____, effective _____.)

Section 2510.40 Submission of Medicaid Cost Reports (Repealed)

a) For fiscal years or other reporting periods ending on or after July 17 1995, each hospital under the jurisdiction of the Council shall file with the Council:

- 1) a copy of the hospital's Medicaid Cost Report at the same time the hospital submits its Medicaid Cost Report to the Illinois Department of Public Aid; and
2) a copy of any settled Medicaid Cost Report upon receipt by the hospital of a notice of program reimbursement from the Illinois Department of Public Aid.

b) A hospital whose fiscal year ends after July 17, 1995, shall file its Medicaid Cost Report at the same time the hospital submits its Medicaid Cost Report to the Illinois Department of Public Aid.

(Source: Repealed at 25 Ill. Reg. _____, effective _____.)

Section 2510.50 Collection of Billing Information on Uniform Billing Form

- a) Adoption of Uniform Billing Form/HCPA 1450 Effective January 1, 1985, all hospitals shall adopt a uniform system for submitting patient charges for payment from public and private payors. This system shall be based upon the adoption of the Uniform

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Hospital Billing Form Uniform Billing 82/Health Care Financing Administration 1450 (UB-82/HCFA 1450) ("UB-82") hereinafter developed by the National Uniform Billing Committee. Section 4-2 of the Illinois Health Finance Reform Act (4312-Rev.-Stat.-1991; ch.-111-172-Rev.-6594-2) [20 ILCS 2215/4-2].

AGENCY NOTE: For purposes of this Part, the terms Uniform Billing Form, Uniform Billing, and Uniform Bills each refer to the Uniform Hospital Billing Form UB-82/HCFA 1450, UB-92/HCFA 1450 and any successor forms hereinafter developed by the National Uniform Billing Committee.

b) Acceptance of Uniform Billing Form

Effective January 1, 1985, the Department of Insurance shall require all third-party payors, including but not limited to, licensed insurers, medical and hospital service corporations, health maintenance organizations, and self-funded employee health plans, to accept the Uniform Hospital Billing Form UB-82, without attachment; provided, however, nothing in this Chapter shall prevent all such third-party payors from requiring additional information, including but not limited to itemized bills, necessary to determine eligibility for benefits or liability for reimbursement for services provided. The Illinois Department of Public Aid shall not be required to accept the Uniform Hospital Billing Form UB-82 prior to October 1, 1985. Section 4-2 of the Illinois Health Finance Reform Act (4312-Rev.-Stat.-1991; ch.-111-172-Rev.-6594-2) [20 ILCS 2215/4-2].

AGENCY NOTE: Effective 1 October 1993, Hospitals may file UB-82 Billing information with the Council consistent with either the UB-82 or UB-92 formats. Effective 1 January, 1994, Hospitals must file Uniform Billing information with the Council consistent with the UB-92 format.

c) Filing of Uniform Billing Information with the Council

Extracts of Uniform Bills for inpatient services shall be prepared by hospitals according to the following regulations.

- 1) All hospitals may file Uniform Billing discharge data with the Council for discharges occurring during the first calendar quarter of 1985 on hard copy. Subsequent to that period, only hospitals not having data processing equipment capable of producing data in one of the acceptable magnetic formats specified in subsection (c)(2) below shall file hard copy Uniform Billing information with the Council. Such information shall be filed with the Council on a Uniform Billing Form or a facsimile of a Uniform Billing Form with the confidential fields specified in subsection (e) below deleted.

2) Data Submission Standards

- A) After the first quarter of 1985, Uniform Billing data extracts shall be submitted in a magnetic format. Acceptable magnetic and electronic formats for submission of data will be determined by the Council. The Council shall make no changes to the media-acceptable standards without a

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minimum of 30 days notification to the affected hospitals except where errors or omissions in published standards and procedures make impossible the submission of data by the means described in the published standard. In such cases, the Council may immediately publish changes and immediately put them into effect.

- B) Until 1 January 1994, the data may be submitted in records formatted as indicated in Appendix B of this Part. Physical and logical descriptions of the media, blocks and records shall be as defined and modified by the Council from time to time.

- i) Beginning 1 October 1993, the data may be submitted in records formatted as indicated in Appendix D of this Part. Physical and logical descriptions of the media, blocks and records shall be as defined and modified by the Council from time to time.

- ii) Effective 1 January 1994, the data shall be submitted in records formatted as indicated in Appendix D of this Part. Physical and logical descriptions of the media, blocks and records shall be as defined and modified by the Council from time to time.

- C) Revisions of data originally filed on a magnetic or electronic format must be filed on a magnetic or electronic format reporting the entire logical record for each record changed.

- D) For each patient, the data elements described in subsection (d) below form a record as described in the Appendices of this Part.

- E) All claims transactions submitted to the Council must be covered by one or more properly completed Transmittal Forms as defined by the Council. The form shall contain at least the following information:

- 1) Submitter Information:
Information about the hospital name and address, hospital ID number, contact name and phone number, and other information as may be useful in identifying the submission and contacting other parties responsible for resolving errors;
- ii) Batch/Record Identification
Information regarding the means or media of submission, indication of date submitted, and other information required by the Council to process the submission;
- iii) Actual Number of Discharges
Information regarding the number of discharges occurring at the reporting hospital during a given month. The form shall be prepared and registered as required by Public Act 80-1338 as amended November 27,

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1985. The Council may change the format and content of the form from time to time within limits which do not impair consistency with the content enumerated above, but in no case shall reject submissions using an obsolete form without at least 30 calendar days notice to the affected hospitals.

- F) The Council may allow for the submission of claims data by Electronic Data Interchange as an optional data submission mechanism for hospitals who are equipped to participate. Using record formats as defined elsewhere in this rule and providing for transmittals to be received either physically or by facsimile, the Council may, as budget permits, identify and publish standards for compression, telecommunications rates and protocols, sign-on, file transfer and other EDI-related methodologies using such a method and applying such standards to allow hospitals and their agents to submit Uniform Billing data over telephone lines and through commercial bulletin board services as determined feasible and desirable by the Council. The Council shall develop such standards with regard to the capabilities of hospitals to use the optional method, and such capability is to be determined by a census taken prior to the implementation of any such submission mechanism. The Council shall make no changes to the EDI-related standards without a minimum of 30 days notification to the affected hospitals except where errors or omissions in published standards and procedures make impossible the submission of data by the means described in the published standard. In such cases, the Council may immediately publish changes and immediately put them into effect.

- 3) For quarters ending before July 1, 1992, hospitals shall file complete Uniform Billing data for ~~ninety-five-percent-t~~ 95% of all discharges within ~~sixty-t~~ 60% calendar days after of the last day of the calendar month in which the patient was discharged or died. The complete Uniform Billing data for the remaining ~~five percent-t~~ 5% of all discharges must be filed within ~~one-hundred eighty-t~~ 180% calendar days after of the last day of the calendar month in which the patient was discharged or died. Hospitals will be allowed ~~twenty-t~~ 20% calendar days to correct any Uniform Billing data submission errors identified by the Council. For quarters beginning July 1, 1992, hospitals shall file complete Uniform Billing data for ~~ninety-five-percent-t~~ 95% of all discharges within ~~sixty-t~~ 60% calendar days after of the last day of the calendar month in which the patient was discharged or died. The complete Uniform Billing data for the remaining ~~five percent-t~~ 5% of all discharges must be filed within ~~ninety-t~~ 90% calendar days after of the last day of the calendar month in which the patient was discharged or died. Hospitals will be

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allowed ~~twenty-t~~ 20% calendar days to correct any Uniform Billing data submission errors identified by the Council.

- 4) Hospitals will not be required to file Uniform Billing information on patients for whom a bill is generated exclusively for the Illinois Department of Public Aid until October 1, 1985. The Illinois Department of Public Aid shall report to the Council the data listed in subsection (d) below for the discharges occurring during the period January 1, 1985, through September 30, 1985.

- d) Required Uniform Billing Data
The Council, in cooperation with the State Departments of Public Aid, Insurance, and Public Health, shall establish a system for the collection of the following information from hospitals utilizing the raw data available on the hospital Uniform Billing form. Such data determined as necessary by the Council shall be filed for every discharge regardless of payor and shall include the Uniform Billing data fields coded according to the Council's requirements as found in the Appendices of this Part.

- e) Confidential Uniform Billing Data
The following Uniform Billing data fields have been determined to be confidential by the Council and may not under any circumstances be filed with the Council:

Description

Patient's Name
Patient's Address (except zip code)
Responsible Party Name and Address
Insured's Name
Insured's Certificate Number, Social Security Number, Health Insurance, Identification Number
Employee Identification Number
Remarks.

- f) Hospital Identification Number
The Medicaid identification number assigned by the Medical Assistance Program of the Illinois Department of Public Aid is the required hospital identification number and shall be recorded in field 5 on all Uniform Billing records filed with the Council. Hospitals not participating in the Medical Assistance Program shall immediately request a number be assigned by the Council. The request shall be made to the Executive Director.

- g) Self Administered Insurance Plan Identification Number
Self administered insurance plans and health and welfare funds may request an identification number from the Council. The request shall be made to the Executive Director. The identification number must be obtained and used if the plan or fund desires to obtain reports on its members from the Council.

- h) Small Hospital Exemption
The Council shall exempt hospitals with fewer than ~~fifty-t~~ 50% beds

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licensed under the Hospital Licensing Act (411. Rev. Stat. 1991, ch. 112, par. 142-142-1 et seq.) [210 ILCS 85-1 et seq.], from the filing of Uniform Billing Billing data with the Council if the Council finds that compliance would impose undue economic hardship on the hospital and if the Council determines that the data from these hospitals are not essential to its data base and its concomitant health care cost comparison efforts. In determining whether compliance will constitute an undue economic hardship the Council will consider the cost to the hospital, both in relation to initial costs to obtain the capability to generate data in this format, and the routine cost of generating such data compared to the ability of the hospital to absorb the added cost of such production. Hospitals with less than fifty (50) beds licensed under the Hospital Licensing Act anticipating compliance to impose an undue economic hardship may file with the Council a request for an exemption. Such request must document the undue economic hardship.

- 1) Sample Size
Hospitals shall file the required Uniform Billing data specified in this Part for each discharge.
- 2) Payment for Submission of Uniform Billing Data
Beginning with the payment to be made after July 1, 1993, for hospital discharges occurring between July 1, 1992 and December 31, 1992, and payments thereafter, each hospital that has submitted ninety-five percent (95%) correct of all discharges shall be reimbursed at a semi-annual rate of \$420+00. In the event that appropriations for this line item are inadequate, the payments will be reduced proportionately. Hospitals that do not meet the threshold percentage of correct discharges shall not be reimbursed.

- k) Filing of Outpatient Billing Information with the Council
Extracts of outpatient billing forms shall be prepared by hospitals and licensed ambulatory surgical treatment centers according to the following regulations:

- 1) Beginning the first calendar quarter of 2001, all hospitals and licensed ambulatory surgical treatment centers shall file outpatient surgery billing discharge data with the Council or a corporation, association, or entity designated by the Council as defined in subsection (k)(3). Electronic submissions of data shall be encouraged. However, hospitals or licensed ambulatory surgical treatment centers unable to submit such extracts electronically shall submit hard copy paper extracts of outpatient billing forms. Hospitals and licensed ambulatory surgical treatment centers capable of submitting data electronically shall file with the Council using one of the acceptable magnetic formats specified in subsection (k)(2). Hospitals and licensed ambulatory surgical treatment centers unable to submit electronically shall file hard copy submissions of acceptable formats as defined in subsection (k)(2) with the Council according to the submission requirements defined in

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subsection (k)(3). All billing data shall have all confidential fields specified in subsection (m) below deleted before submission to the Council.

- 2) Data Submission Standards
 - A) Acceptable electronic and paper formats for submission of data will be determined by the Council. The Council shall make no changes to the medium-acceptable standards without a minimum of 30 days notification to the affected hospitals and licensed ambulatory surgical treatment centers except where errors or omissions in published standards and procedures make impossible the submission of data by the means described in the published standard. In such cases, the Council may immediately publish changes and immediately put them into effect.
 - B) Effective January 1, 2001, the data shall be submitted in records formatted as indicated in Appendices F and H of this Part or in hard copy. Physical and logical descriptions of the media, blocks and records shall be as defined and modified by the Council from time to time. If paper copies of bills are submitted, confidential elements must be omitted as defined in subsection (m).
 - C) Revisions of data originally filed must be resubmitted on the same media and in the same format as the original submission and include all required data elements for each record changed.
 - D) For each patient, the data elements described in Appendices F and H form a record.
 - E) All claims transactions submitted to the Council must be labeled with at least the following information:

Facility ID#
Facility Name
Facility City
Service Bureau (if applicable)
Indicate "outpatient"
If appropriate, indicate if media is "test" or a "zipped file."

The Council may change the format and content of the label from time to time within limits that do not impair consistency with the content enumerated above, but in no case shall reject submissions using an obsolete label without at least 30 calendar days notice to the affected facilities.

- E) The actual total number of hospital and licensed ambulatory surgical treatment center outpatient discharges with a surgical procedure for a calendar month, as defined in Section 2500.20, shall be reported using the Council's

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automated systems.

G) Using record formats as defined elsewhere in this Part, the Council will allow for the submission of outpatient surgery claims data by electronic transmission as the preferred data submission mechanism for hospitals and licensed ambulatory surgical treatment centers. The Council shall make no changes to the submission standards without a minimum of 30 days notification to the affected hospitals and licensed ambulatory surgical treatment centers except where errors or omissions in published standards and procedures make impossible the submission of data by the means described in the published standard. In such cases, the Council may immediately publish changes and immediately put them into effect.

3) From January 1, 2001 through December 31, 2002, hospitals and licensed ambulatory surgical treatment centers shall file complete and accurate outpatient surgery billing data to the Council as follows:

A) Surgery billing data for at least 60% of all discharges within 90 calendar days after the last day of the calendar month in which the patient was discharged or died for first and second quarter 2001.

B) Surgery billing data for at least 70% of all discharges within 90 calendar days after the last day of the calendar month in which the patient was discharged or died for third and fourth quarter 2001.

C) Surgery billing data for at least 80% of all discharges within 90 calendar days after the last day of the calendar month in which the patient was discharged or died for first and second quarter 2002.

D) Surgery billing data for at least 90% of all discharges within 90 calendar days after the last day of the calendar month in which the patient was discharged or died for third and fourth quarter 2002.

E) For quarters beginning with January 1, 2003, hospitals and licensed ambulatory surgical treatment centers shall file complete and accurate outpatient surgery billing data for at least 95% of all discharges within 60 calendar days after the last day of the calendar month in which the patient was discharged or died. The complete and accurate outpatient surgery billing data for the remaining 5% of all discharges must be filed within 90 calendar days after the last day of the calendar month in which the patient was discharged or died. Prior to the close of the 90 day submission period, hospitals and licensed ambulatory surgical treatment centers will be required to correct any outpatient billing data submission errors identified by the Council.

1) Required Billing Data

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The Council, in cooperation with the State Departments of public Aid, Insurance, and Public Health, shall establish a system for the collection of information for each outpatient surgery performed utilizing the raw data available on billing forms submitted by hospitals and licensed ambulatory treatment centers to payors. Such data determined as necessary by the Council shall be filed for every outpatient surgery discharge regardless of payor and shall include the billing data fields coded according to the Council's requirements as found in Appendices F and H of this Part.

m) Confidential Billing Data
The following billing data fields have been determined to be confidential by the Council and may not under any circumstances be filed with the Council:

Description
Patient's Name
Patient's Address (except zip code)
Responsible Party Name and Address
Insured's Name
Insured's Certificate Number, Social Security Number, Health Insurance, Identification Number
Employee Identification Number
Remarks

n) Facility Identification Number

The Medicaid identification number assigned by the Medical Assistance Program of the Illinois Department of Public Aid is the required hospital and licensed ambulatory surgical treatment center identification number on all billing records filed with the Council. Hospitals and licensed ambulatory surgical treatment centers not participating in the Medical Assistance Program shall be issued a number by the Council.

o) Self Administered Insurance Plan Identification Number
Self administered insurance plans and health and welfare funds may request an identification number from the Council.

p) Outpatient Provider Exemption

Upon Council approval, exemptions from the outpatient data filing requirements of this Part may be granted if the hospital or licensed ambulatory surgical treatment center proves to the Council's satisfaction that these requirements would impose undue economic hardship and if the Council determines that the data submitted from those hospitals and licensed ambulatory surgical treatment centers are not essential to the Council's database and its concomitant health care comparison efforts.

q) Sample Size

Hospitals and licensed ambulatory surgical treatment centers shall file the required billing data specified in this Part for each outpatient surgery discharge.

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f) Payment for Submission of Outpatient Billing Data

Beginning with the payment to be made after July 2001 for ambulatory surgical discharges occurring as of January 1, 2001 and payments thereafter, each hospital and licensed ambulatory surgical treatment center that submitted complete and accurate abstracts of all outpatient surgery discharges reported each month as defined in subsection (k)(3) shall be reimbursed at a semiannual rate of \$255. In the event that appropriations for the line item are inadequate, the payments will be reduced proportionately. Hospitals and licensed ambulatory surgical treatment centers that do not meet the data submission threshold shall not be reimbursed.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2510.55 Report of Inpatient Discharges

a) Effective within thirty-~~four~~ 30+ days after of the effective date of this Section, each hospital shall provide, in writing to the Executive Director, a list by calendar month of the total number of hospital inpatient discharges including new born discharges for the calendar months of April 1985 through December 1986 (in the case of multiple births, each child is counted as a discharge).

b) Effective with the filing of Uniform Billing discharge data on or after the effective date of this Section each hospital shall be required to file with each submission of data, the transmittal form as defined by the Council pursuant to the authority given in Section 2510.50(c)(2)(E)(i), (ii), and (iii).

c) Effective beginning with calendar month January 1989, each hospital shall, within 30 calendar days following the last day of a calendar month, submit the actual total number of hospital inpatient discharges for that calendar month as defined by the Council pursuant to the authority given in Section 2510.50(c)(2)(E)(i), (ii), and (iii).

d) A hospital may submit the actual number of hospital inpatient discharges either in conjunction with or separately from the submission of Uniform Billing discharge data as defined by the Council pursuant to the authority in Section 2510.50(c)(2)(E)(i), (ii), and (iii).

e) Effective within 30 days after the effective date of this Section and beginning with calendar month January 2001, each hospital and licensed ambulatory surgical treatment center shall, within 30 calendar days following the last day of a calendar month, submit the actual total number of hospital and licensed ambulatory surgical treatment center outpatient discharges with a surgical procedure for that calendar month as defined in Section 2500.20 and Section 2510.50(k)(2)(f).

f) All filings required in subsections (a) through (e) ~~that~~ above shall be reported using the Council's automated systems. ~~sent to~~

Illinois Health-Care-Cost-Containment-Council

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Attention: Field-Operations
4460-South-Sixth-Street-Road-Suite-215
Springfield, Illinois-62783-5118

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2510.80 Confidentiality

a) All steps necessary under State and Federal law to protect patient confidentiality shall be undertaken by the Council to prevent the identification of individual patient records. The Council will assure the confidentiality of patient records when gathering and submitting data to the Council or designated corporation, association or entity.

b) Information filed with the Council or designated corporation, association or entity by hospitals or licensed ambulatory surgical treatment centers pursuant to this Part shall be privileged and confidential, and shall not be disclosed in any manner unless otherwise permitted or required by law. The foregoing includes, but shall not be limited to, disclosure, inspection or copying under the the Freedom of Information Act [5 ILCS 140], the the State Records Act [311-Rev-Stet-1989-~~chv-1367-pars-43-4-et-seq-1~~ [5 ILCS 160] and Section 404(1) of the Illinois Insurance Code [215 ILCS 5/404(1)] ~~311-Rev-Stet-1993-~~chv-1367-pars-1036-411~~~~. However, the prohibitions stated in this Section shall not apply to the quarterly reports of the Council or the provider data verification process provided for under the Act and the rules of the Council developed pursuant to Section 2510.60 of this Part and those data elements specified in Section 2510.30(d) of this Part.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2510.90 Provider Hospital Review

a) Prior to the close of a quarter, the the Council shall provide a copy of that quarter's data, upon request of the hospitals and licensed ambulatory surgical treatment centers, at no charge. The requested data shall be provided in an electronic or paper format at least as useful as that submitted by the hospital or licensed ambulatory surgical treatment center upon their request with access to magnetic media at no charge containing a record for each record submitted by the hospital residing on the Council's database as of the closing of a quarter's data collection period. The medium media shall include all complete and accurate data information submitted by the hospital or licensed ambulatory surgical treatment center residing on the Council's database as well as all Council derived elements as determined by the Council, including-but-not-limited-to-the

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12b	1ST OTHER PROCED DATE	81a	140	145	6	N	MMDDYY
12c	2ND OTHER PROCEDURE	81b	146	152	7	A	ICD-9-CM:99V99b: CPT:9999999: LEFT JUSTIFY, SPACE FILL RIGHT, NO DECIMAL OR HYPHEN
12d	2ND OTHER PROCED DATE	81b	153	158	6	N	MMDDYY
12e	3RD OTHER PROCEDURE	81c	159	165	7	A	ICD-9-CM:99V99b: CPT:9999999: LEFT JUSTIFY, SPACE FILL RIGHT, NO DECIMAL OR HYPHEN
12f	3RD OTHER PROCED DATE	81c	166	171	6	N	MMDDYY
12g	4TH OTHER PROCEDURE	81d	172	178	7	A	ICD-9-CM:99V99b: CPT:9999999: LEFT JUSTIFY, SPACE FILL RIGHT, NO DECIMAL OR HYPHEN
12h	4TH OTHER PROCED DATE	81d	179	184	6	N	MMDDYY
12i	5TH OTHER PROCEDURE	81e	185	191	7	A	ICD-9-CM:99V99b: CPT:9999999: LEFT JUSTIFY, SPACE FILL RIGHT, NO DECIMAL
12j	5TH OTHER PROCED DATE	81e	192	197	6	N	MMDDYY
13a	1ST REVENUE CODE	42a	198	201	4	N	RIGHT JUSTIFY, ZERO FILL LEFT
14a	UNITS OF SERVICE	46a	202	208	7	N	RIGHT JUSTIFY, ZERO FILL LEFT
15a	CHARGES FILLER	47a	209	218	10	N	MMDDYY CPT:9999999: LEFT JUSTIFY, SPACE FILL RIGHT, NO DECIMAL OR HYPHEN BLANK FILL
13b	2ND REVENUE CODE	42b	219	222	4	N	RIGHT JUSTIFY, ZERO FILL LEFT
14b	UNITS OF SERVICE	46b	223	229	7	N	RIGHT JUSTIFY, ZERO FILL LEFT

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69	75	80	6	A	LEFT JUSTIFY, SPACE FILL RIGHT, NO DECIMAL
70	81	86	6	A	LEFT JUSTIFY, SPACE FILL RIGHT, NO DECIMAL
71	87	92	6	A	LEFT JUSTIFY, SPACE FILL RIGHT, NO DECIMAL
72	93	98	6	A	LEFT JUSTIFY, SPACE FILL RIGHT, NO DECIMAL
73	99	104	6	A	LEFT JUSTIFY, SPACE FILL RIGHT, NO DECIMAL
74	105	110	6	A	LEFT JUSTIFY, SPACE FILL RIGHT, NO DECIMAL
75	111	116	6	A	LEFT JUSTIFY, SPACE FILL RIGHT, NO DECIMAL
79	117	117	1	N	USE 9 FOR ICD-9- CM PROC USE 9 FOR CPT PROC
80	118	124	7	A	ICD-9-CM:99V99b: CPT:9999999: LEFT JUSTIFY, SPACE FILL RIGHT, NO DECIMAL OR HYPHEN
80	125	130	6	N	MMDDYY
81a	133	139	7	A	ICD-9-CM:99V99b: CPT:9999999: LEFT JUSTIFY, SPACE FILL RIGHT, NO DECIMAL OR HYPHEN
80	125	130	6	N	RIGHT JUSTIFY, ZERO FILL LEFT
22	131	132	2	N	RIGHT JUSTIFY, ZERO FILL LEFT
81a	133	139	7	A	ICD-9-CM:99V99b: CPT:9999999: LEFT JUSTIFY, SPACE FILL RIGHT, NO DECIMAL OR HYPHEN

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15b	CHARGES FILLER	47b	230	239	10	N	A	S9484994-MAY BE NEGATIVE JUSTIFY, RIGHT FILL LEFT, WHEN INCLUDING STORY USE ZONED DECIMAL REPRESENTATION BLANK FILL
13c	3RD REVENUE CODE	42c	240	243	4	N		RIGHT JUSTIFY, ZERO FILL LEFT
14c	UNITS OF SERVICE	46c	244	250	7	N		RIGHT JUSTIFY, ZERO FILL LEFT
15c	CHARGES FILLER	47c	251	260	10	N	A	S9484994-MAY BE NEGATIVE JUSTIFY, RIGHT FILL LEFT, WHEN INCLUDING STORY USE ZONED DECIMAL REPRESENTATION BLANK FILL
13d	4TH REVENUE CODE	42d	261	264	4	N		RIGHT JUSTIFY, ZERO FILL LEFT
14d	UNITS OF SERVICE	46d	265	271	7	N		RIGHT JUSTIFY, ZERO FILL LEFT
15d	CHARGES FILLER	47d	272	281	10	N	A	S9484994-MAY BE NEGATIVE JUSTIFY, RIGHT FILL LEFT, WHEN INCLUDING STORY USE ZONED DECIMAL REPRESENTATION BLANK FILL
13e	5TH REVENUE CODE	42e	282	285	4	N		RIGHT JUSTIFY, ZERO FILL LEFT

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

14e	UNITS OF SERVICE	46e	286	292	7	N		RIGHT JUSTIFY, ZERO FILL LEFT
15e	CHARGES FILLER	47e	293	302	10	N	A	S9484994-MAY BE NEGATIVE JUSTIFY, RIGHT FILL LEFT, WHEN INCLUDING STORY USE ZONED DECIMAL REPRESENTATION BLANK FILL
13f	6TH REVENUE CODE	42f	303	306	4	N		RIGHT JUSTIFY, ZERO FILL LEFT
14f	UNITS OF SERVICE	46f	307	313	7	N		RIGHT JUSTIFY, ZERO FILL LEFT
15f	CHARGES FILLER	47f	314	323	10	N	A	S9484994-MAY BE NEGATIVE JUSTIFY, RIGHT FILL LEFT, WHEN INCLUDING STORY USE ZONED DECIMAL REPRESENTATION BLANK FILL
13g	7TH REVENUE CODE	42g	324	327	4	N		RIGHT JUSTIFY, ZERO FILL LEFT
14g	UNITS OF SERVICE	46g	328	334	7	N		RIGHT JUSTIFY, ZERO FILL LEFT
15g	CHARGES FILLER	47g	335	344	10	N	A	S9484994-MAY BE NEGATIVE JUSTIFY, RIGHT FILL LEFT, WHEN INCLUDING STORY USE ZONED DECIMAL REPRESENTATION BLANK FILL
13h	8TH REVENUE CODE	42h	345	348	4	N		RIGHT JUSTIFY, ZERO FILL LEFT

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

CHARGES FILLER 474 419 428 10 N A
 RIGHT JUSTIFY,
 ZERO FILL LEFT
 BE INACTIVE
 TENDIT, RIGHT
 JUSTIFY, ZERO
 FILL LEFT, WHEN
 INCLUDING SLUR
 INCORPORATING
 USE -CONRO-
 REPRESENTATION
 BLANK FILL
 RIGHT JUSTIFY,
 ZERO FILL LEFT

12TH REVENUE CODE 421 429 432 4 N
 RIGHT JUSTIFY,
 ZERO FILL LEFT

UNITS OF SERVICE 461 433 439 7 N
 CHARGES FILLER 474 440 449 10 N A
 RIGHT JUSTIFY,
 ZERO FILL LEFT
 BE INACTIVE
 TENDIT, RIGHT
 JUSTIFY, ZERO
 FILL LEFT, WHEN
 INCLUDING SLUR
 INCORPORATING
 USE -CONRO-
 REPRESENTATION
 BLANK FILL
 RIGHT JUSTIFY,
 ZERO FILL LEFT

13TH REVENUE CODE 424 450 453 4 N
 RIGHT JUSTIFY,
 ZERO FILL LEFT

UNITS OF SERVICE 464 454 460 7 N
 CHARGES FILLER 474 461 470 10 N A
 RIGHT JUSTIFY,
 ZERO FILL LEFT
 BE INACTIVE
 TENDIT, RIGHT
 JUSTIFY, ZERO
 FILL LEFT, WHEN
 INCLUDING SLUR
 INCORPORATING
 USE -CONRO-
 REPRESENTATION
 BLANK FILL
 RIGHT JUSTIFY,
 ZERO FILL LEFT

14TH REVENUE CODE 424 471 474 4 N
 RIGHT JUSTIFY,
 ZERO FILL LEFT

UNITS OF SERVICE 464 475 481 7 N
 RIGHT JUSTIFY,
 ZERO FILL LEFT

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

UNITS OF SERVICE 464 344 345 4 N
 RIGHT JUSTIFY,
 ZERO FILL LEFT
 BE INACTIVE
 TENDIT, RIGHT
 JUSTIFY, ZERO
 FILL LEFT, WHEN
 INCLUDING SLUR
 INCORPORATING
 USE -CONRO-
 REPRESENTATION
 BLANK FILL
 RIGHT JUSTIFY,
 ZERO FILL LEFT

12TH REVENUE CODE 421 366 367 4 N
 RIGHT JUSTIFY,
 ZERO FILL LEFT

UNITS OF SERVICE 461 374 375 4 N
 CHARGES FILLER 474 377 386 10 N A
 RIGHT JUSTIFY,
 ZERO FILL LEFT
 BE INACTIVE
 TENDIT, RIGHT
 JUSTIFY, ZERO
 FILL LEFT, WHEN
 INCLUDING SLUR
 INCORPORATING
 USE -CONRO-
 REPRESENTATION
 BLANK FILL
 RIGHT JUSTIFY,
 ZERO FILL LEFT

13TH REVENUE CODE 424 387 388 4 N
 RIGHT JUSTIFY,
 ZERO FILL LEFT

UNITS OF SERVICE 464 391 397 4 N
 CHARGES FILLER 474 398 407 10 N A
 RIGHT JUSTIFY,
 ZERO FILL LEFT
 BE INACTIVE
 TENDIT, RIGHT
 JUSTIFY, ZERO
 FILL LEFT, WHEN
 INCLUDING SLUR
 INCORPORATING
 USE -CONRO-
 REPRESENTATION
 BLANK FILL
 RIGHT JUSTIFY,
 ZERO FILL LEFT

14TH REVENUE CODE 424 408 411 4 N
 RIGHT JUSTIFY,
 ZERO FILL LEFT

UNITS OF SERVICE 464 412 418 7 N
 RIGHT JUSTIFY,
 ZERO FILL LEFT

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

13q	CHARGES FILLER	47q	482	491	10	N	A	8441494-444 BE-NEGATIVE CREDIT- JUSTIFY-LEFT FILL-LEFT-WHEN INCLUDING-SHOW USE-ZONE-DETERM REPRESENTATION BLANK FILL
13r	15TH REVENUE CODE	47q	492	495	4	N		RIGHT JUSTIFY, ZERO FILL LEFT
14	UNITS OF SERVICE	47q	496	502	7	U		RIGHT JUSTIFY, ZERO FILL LEFT
15o	CHARGES FILLER	47q	503	511	10	N	A	8441494-444 BE-NEGATIVE CREDIT- JUSTIFY-LEFT FILL-LEFT-WHEN INCLUDING-SHOW USE-ZONE-DETERM REPRESENTATION BLANK FILL
15p	16TH REVENUE CODE	47p	513	516	4	U		RIGHT JUSTIFY, ZERO FILL LEFT
14p	UNITS OF SERVICE	47p	517	521	7	U		RIGHT JUSTIFY, ZERO FILL LEFT
15	CHARGES FILLER	47p	521	533	10	N	A	8441494-444 BE-NEGATIVE CREDIT- JUSTIFY-LEFT FILL-LEFT-WHEN INCLUDING-SHOW USE-ZONE-DETERM REPRESENTATION BLANK FILL
13q	17TH REVENUE CODE	47q	534	537	4	U		RIGHT JUSTIFY, ZERO FILL LEFT
14q	UNITS OF SERVICE	47q	538	544	7	N		RIGHT JUSTIFY, ZERO FILL LEFT

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

15q	CHARGES FILLER	47q	545	554	10	N	A	8441494-444 BE-NEGATIVE CREDIT- JUSTIFY-LEFT FILL-LEFT-WHEN INCLUDING-SHOW USE-ZONE-DETERM REPRESENTATION BLANK FILL
13r	18TH REVENUE CODE	47r	555	559	4	U		RIGHT JUSTIFY, ZERO FILL LEFT
14r	UNITS OF SERVICE	47r	564	568	7	N		RIGHT JUSTIFY, ZERO FILL LEFT
15r	CHARGES FILLER	47r	568	575	10	N	A	8441494-444 BE-NEGATIVE CREDIT- JUSTIFY-LEFT FILL-LEFT-WHEN INCLUDING-SHOW USE-ZONE-DETERM REPRESENTATION BLANK FILL
14s	UNITS OF SERVICE	47s	579	584	4	U		RIGHT JUSTIFY, ZERO FILL LEFT
14s	UNITS OF SERVICE	46s	580	584	7	U		RIGHT JUSTIFY, ZERO FILL LEFT
15s	CHARGES FILLER	47s	584	594	10	N	A	8441494-444 BE-NEGATIVE CREDIT- JUSTIFY-LEFT FILL-LEFT-WHEN INCLUDING-SHOW USE-ZONE-DETERM REPRESENTATION BLANK FILL
13t	20TH REVENUE CODE	47t	597	600	4	N		RIGHT JUSTIFY, ZERO FILL LEFT
14t	UNITS OF SERVICE	47t	601	607	7	N		RIGHT JUSTIFY, ZERO FILL LEFT

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

16	ATTENDING PHYSICIAN ID NUMBER	8	681	690	10	A	BLANK FILLER LEFT JUSTIFY, SPACE FILL RIGHT
17	MEDICAID ID OR IHCCC ASSIGNED NUMBER	5	691	702	12	A	
	PATIENT ID NUMBER	3	703	722	20	A	LEFT JUSTIFY, SPACE FILL RIGHT
18	1ST INSUR GRP NUMBER	62a	723	739	17	A	LEFT JUSTIFY, SPACE FILL RIGHT
19b	2ND INSUR GRP NUMBER	62b	740	756	17	A	LEFT JUSTIFY, SPACE FILL RIGHT
19c	3RD INSUR GRP NUMBER	62c	757	773	17	A	LEFT JUSTIFY, SPACE FILL RIGHT
20a	OTHER PHYSICIAN ID NUMBER	83a	774	783	10	A	LEFT JUSTIFY, SPACE FILL RIGHT
20b	OTHER PHYSICIAN	83b	784	793	10	A	LEFT JUSTIFY, SPACE FILL RIGHT
21	SURGICAL SITE ID		794	795	2	N	RIGHT JUSTIFY, ZERO FILL LEFT
22	FILLER		796	800	5	A	BLANK FILLER

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

12a	CHARGES FILLER	47a	603	617	10	N A	RIGHT JUSTIFY, ZERO FILL LEFT INCLUDING SIGN USE ZONES DETAIL REPRESENTATION BLANK FILL
12b	21ST REVENUE CODE	42a	618	621	4	N	RIGHT JUSTIFY, ZERO FILL LEFT
14	UNITS OF SERVICE	46a	622	628	7	N	RIGHT JUSTIFY, ZERO FILL LEFT
15	CHARGES FILLER	47a	629	638	10	N A	RIGHT JUSTIFY, ZERO FILL LEFT INCLUDING SIGN USE ZONES DETAIL REPRESENTATION BLANK FILL
13w	23RD REVENUE CODE	42w	639	642	4	N	RIGHT JUSTIFY, ZERO FILL LEFT
14	UNITS OF SERVICE	46w	643	649	7	N	RIGHT JUSTIFY, ZERO FILL LEFT
15w	CHARGES FILLER	47w	650	659	10	N A	RIGHT JUSTIFY, ZERO FILL LEFT INCLUDING SIGN USE ZONES DETAIL REPRESENTATION BLANK FILL
13w	23RD REVENUE CODE	42w	660	663	4	N	RIGHT JUSTIFY, ZERO FILL LEFT
14w	UNITS OF SERVICE	46w	664	670	7	N	RIGHT JUSTIFY, ZERO FILL LEFT
15w	CHARGES FILLER	47w	671	680	10	N A	RIGHT JUSTIFY, ZERO FILL LEFT INCLUDING SIGN USE ZONES DETAIL REPRESENTATION BLANK FILL

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

AMULATORY SURGICAL MAGNETIC MEDIA RECORD FORMAT OPTION 1/UB92 FORM

Public Act 92-564 authorizes the implementation of a pilot study and a follow-up study of the Competitive Ambulatory Surgical Procedure Collection System. All participating ambulatory surgical treatment centers in Health Services Areas XI are participating in the pilot study. All hospitals must use the following format for submission to the Council beginning February 27, 1992. Ambulatory Surgical Treatment Centers may use either Option 1/UB92 form or Option 2/UB92 Form depending upon their method of billing. The same submission format will be followed for these Health Care Ambulatory Surgical Treatment Centers selected to be part of the pilot study beginning July 15, 1992.

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

TRAILER RECORD

DATA ELEMENT	DATA ELEMENT DESCRIPTION	POSITION FROM TO	LENGTH	PICTURE	FORMAT
1	MEDICAID ID NUMBER	1 12	12	A	
2	NUMBER OF RECORDS LOGICAL RECORDS IN THE FILE EXCLUDING THE HEADER AND TRAILER RECORDS	13 17	5	N	RIGHT JUSTIFY, ZERO FILL LEFT
3	SURGICAL SITE ID	18 19	2	N	RIGHT JUSTIFY, ZERO FILL LEFT
4	FILLER	20 800	781	A	BLANK FILL

(Source: Amended at 25 Ill. Reg. _____)

effective _____

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

Section 2510.APPENDIX C Ambulatory Surgical Data Fields Option 1/UB92 Form

DATA ELEMENT	ELEMENT DESCRIPTION	REQUIRED FIELD(S) REQUIREMENTS	10b	Principal Procedure	As stated in the Council's Provider Manual.
1	Patient Date of Birth	As stated in the Council's Provider Manual.	10c	Principal Date	As stated in the Council's Provider Manual.
2	Patient Sex	As stated in the Council's Provider Manual.	11	Patient Status	As stated in the Council's Provider Manual.
3a-3b	Patient Zip Code	As stated in the Council's Provider Manual.	12a-12j	Other Procedures and Dates	As stated in the Council's Provider Manual.
4a-4c	Individual Payer ID Number	Illinois Department of Insurance numbers are required for commercial insurers. The three digit Blue Cross codes that are in the Council's Provider Manual are required for Blue Cross plans. Self-administered plans will be assigned a number upon request, as provided in Section 2510.50(g) and the use of these codes is required where applicable.	13a-13w	Revenue Codes	As stated in the Council's Provider Manual.
5	Date of Admission	As stated in the Council's Provider Manual.	14a-14w	Units	As stated in the Council's Provider Manual.
6	Source of Admission	As stated in the Council's Provider Manual.	15a-15w	Filler Charges	As stated in the Council's Provider Manual.
7	Type of Admission	As stated in the Council's Provider Manual.	16	Attending Physician ID Number	Physician's state license number is the required ID number. UPINs are allowed for all claims.
8a	Type of Bill	As stated in the Council's Provider Manual.	17	Provider ID Number	The Medicaid number is the required provider ID number. Providers not participating in Medicaid will be assigned an ID number, as provided in Section 2510.50(f).
8b	Discharge Date	As stated in the Council's Provider Manual.	18	Patient ID Number	As stated in the Council's Provider Manual. This field may not contain the patient's social security number.
9a-9i	Principal Diagnosis and Up to Eight Other Diagnosis Codes	As stated in the Council's Provider Manual.	19a-19c	Insurance Group Number	As stated in the Council's Provider Manual. Required where applicable.
10a	Principal Procedure Coding Method Used	As stated in the Council's Provider Manual.	20a-20b	Other Physician Number	If applicable, and if known, the physician's state license number is the required ID number. If the other physician does not have a valid license number, enter the Chief of Service's ID number. UPINs are allowed for all claims.
			21	Surgical Site ID Number	As assigned by the Council.

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

Section 2510 APPENDIX H Ambulatory Surgical Magnetic Media Record Format Option 2/1500 Form

Public Act--99-554--authorizes the implementation of a pilot study and a field test of the Council's Ambulatory Surgical Data Collection System--All Ambulatory Surgical Treatment Centers in Health Service Area XI that submit data using the HGA-1500 Billing Form must use the following format for submission to the Council--beginning February 27, 1997--those Ambulatory Surgical Treatment Centers selected to be part of the field test that submit data using the HGA-1500 Billing Form must use the following format for submission to the Council beginning July 1, 1997

HEADER RECORD

ELEMENT	DATA ELEMENT DESCRIPTION	POSITION FROM TO	LENGTH	PICTURE	FORMAT
1	MEDICAID ID OR IHCCC ASSIGNED NUMBER	1	12	12 A	
	PROVIDER NAME	13	52	40 A	LEFT JUSTIFY, SPACE FILL RIGHT
	PROVIDER STREET ADDRESS	53	92	40 A	LEFT JUSTIFY, SPACE FILL RIGHT
4	PROVIDER CITY	93	112	20 A	LEFT JUSTIFY, SPACE FILL RIGHT
5	PROVIDER ZIP CODE	113	117	5 A	
6	CONTACT PERSON	118	157	40 A	LEFT JUSTIFY, SPACE FILL RIGHT
7	TELEPHONE NUMBER	158	167	10 A	XXXXXXXXXX
8	PERIOD COVERED FIRST DAY	168	173	6 N	MMSSYY
	LAST DAY	174	179	6 N	MMSSYY
10	SURGICAL SITE ID IHCCC ASSIGNED	180	181	2 N	RIGHT JUSTIFY, ZERO FILL LEFT
11	FILLER	182	300	119 A	BLANK FILL
			249		
			300		

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

22 Filler As stated in the Council's Provider Manual.

(Source: Amended at 25 Ill. Reg. effective _____)

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

AMBULATORY SURGICAL MAGNETIC MEDIA RECORD OPTION 2/1500 FORM

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

Public Act 99-554 authorizes the implementation of a pilot study and a trial test of the Council's Ambulatory Surgical Data Collection System. The Ambulatory Surgical Treatment Centers in Health Service Area XI that submit data to the HEPA 1598 Billing Form must use the following format for submission to the Council, beginning February 17, 1997: those Ambulatory Surgical Treatment Centers selected to be part of the field test that submit data to the HEPA 1598 Billing Form must use the following format for submission to the Council, beginning July 17, 1997:

LOGICAL RECORD

[illegible]

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

4TH DIAGNOSIS CODE	24a	344	346	6	A	NO DECIMAL OR HYPHEN
5TH DIAGNOSIS CODE	24b	347	348	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
6TH DIAGNOSIS CODE	24c	349	350	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
7TH DIAGNOSIS CODE	24d	351	352	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
8TH DIAGNOSIS CODE	24e	353	354	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
9TH DIAGNOSIS CODE	24f	355	356	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
10TH DIAGNOSIS CODE	24g	357	358	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
11TH DIAGNOSIS CODE	24h	359	360	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
12TH DIAGNOSIS CODE	24i	361	362	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
13TH DIAGNOSIS CODE	24j	363	364	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
14TH DIAGNOSIS CODE	24k	365	366	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
15TH DIAGNOSIS CODE	24l	367	368	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
16TH DIAGNOSIS CODE	24m	369	370	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
17TH DIAGNOSIS CODE	24n	371	372	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
18TH DIAGNOSIS CODE	24o	373	374	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
19TH DIAGNOSIS CODE	24p	375	376	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
20TH DIAGNOSIS CODE	24q	377	378	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
21TH DIAGNOSIS CODE	24r	379	380	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
22TH DIAGNOSIS CODE	24s	381	382	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
23TH DIAGNOSIS CODE	24t	383	384	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
24TH DIAGNOSIS CODE	24u	385	386	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
25TH DIAGNOSIS CODE	24v	387	388	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
26TH DIAGNOSIS CODE	24w	389	390	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
27TH DIAGNOSIS CODE	24x	391	392	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
28TH DIAGNOSIS CODE	24y	393	394	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
29TH DIAGNOSIS CODE	24z	395	396	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

4TH DIAGNOSIS CODE	24a	397	398	6	A	NO DECIMAL OR HYPHEN
5TH DIAGNOSIS CODE	24b	399	400	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
6TH DIAGNOSIS CODE	24c	401	402	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
7TH DIAGNOSIS CODE	24d	403	404	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
8TH DIAGNOSIS CODE	24e	405	406	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
9TH DIAGNOSIS CODE	24f	407	408	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
10TH DIAGNOSIS CODE	24g	409	410	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
11TH DIAGNOSIS CODE	24h	411	412	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
12TH DIAGNOSIS CODE	24i	413	414	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
13TH DIAGNOSIS CODE	24j	415	416	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
14TH DIAGNOSIS CODE	24k	417	418	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
15TH DIAGNOSIS CODE	24l	419	420	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
16TH DIAGNOSIS CODE	24m	421	422	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
17TH DIAGNOSIS CODE	24n	423	424	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
18TH DIAGNOSIS CODE	24o	425	426	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
19TH DIAGNOSIS CODE	24p	427	428	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
20TH DIAGNOSIS CODE	24q	429	430	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
21TH DIAGNOSIS CODE	24r	431	432	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
22TH DIAGNOSIS CODE	24s	433	434	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
23TH DIAGNOSIS CODE	24t	435	436	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
24TH DIAGNOSIS CODE	24u	437	438	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
25TH DIAGNOSIS CODE	24v	439	440	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
26TH DIAGNOSIS CODE	24w	441	442	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
27TH DIAGNOSIS CODE	24x	443	444	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
28TH DIAGNOSIS CODE	24y	445	446	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN
29TH DIAGNOSIS CODE	24z	447	448	10	N	RIGHT JUSTIFY, ZERO FILL LEFT NO DECIMAL OR HYPHEN

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

Public Act 89-554 authorizes the implementation of a pilot study and a field test of the Council's Ambulatory Surgical Data Collection System. All Ambulatory Surgical Treatment Centers in Health Service Area #1 that submit data using the HCFA-1500 Billing Form must use the following format for submission to the Council beginning February 27, 1997. Those Ambulatory Surgical Treatment Centers selected to be part of the field test that submit data using the HCFA-1500 Billing Form must use the following format for submission to the Council beginning July 1, 1997.

TRAILER RECORD

DATA ELEMENT	DESCRIPTION	POSITION FROM TO	LENGTH	PICTURE	FORMAT
1	MEDICAID ID NUMBER (OR IHCCC ASSIGNED NUMBER)	1	12	12	A
	NUMBER OF RECORDS LOGICAL RECORDS IN THE FILE EXCLUDING THE HEADER AND TRAILER RECORDS	13	17	5	N
3	SURGICAL SITE ID (IHCCC ASSIGNED)	18	19	2	N
	FILLER	20	430	411	A
			300	291	
					BLANK FILL
					RIGHT JUSTIFY, ZERO FILL LEFT
					RIGHT JUSTIFY, ZERO FILL LEFT

(Source: Amended at 25 Ill. Reg. _____, effective _____)

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

Section 2510 APPENDIX I Ambulatory Surgical Data Fields Option 2

DATA ELEMENT	ELEMENT DESCRIPTION	REQUIRED FIELD(S) REQUIREMENTS
1	Medicaid ID or IHCCC Assigned Number	The Medicaid number is the required provider ID number. Providers not participating in Medicaid will be assigned an ID number, as provided in Section 2510.50(f).
2	Patient ID Number	As stated in the Council's Provider Manual. This field may not contain the patient's social security number.
3	Patient Date of Birth	As stated in the Council's Provider Manual.
4	Patient Sex	As stated in the Council's Provider Manual.
5	Patient Zip Code	As stated in the Council's Provider Manual.
5b	Zip Plus 4	As stated in the Council's Provider Manual.
6a-6c	Individual Payer ID Number	Illinois Department of Insurance numbers are required for commercial insurers. The three digit Blue Cross codes that are in the Council's Provider Manual are required for Blue Cross plans. Self-administered plans will be assigned a number upon request, as provided in of Section 2510.50(g) and the use of these codes is required where applicable.
7a-7b	Insurance-Group-Number	As stated in the Council's Provider Manual-Required-where-applicable
8a-8d	Diagnosis-Codes	As stated in the Council's-Provider Manual
7a-9a	Attending Physician ID Number	Physician's state license number is the required ID number. UPINs are allowed for all claims.

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

7b 7b Referring Physician If applicable, and if known, the physician's state license number is the required ID number. UPINs are allowed for all claims.

10 Total Charges As--stated--in-the-Council's--Provider Manual:

11a-11f 8a-8f From Procedure Date As stated in the Council's Provider Manual.

12a-12f 9a-9f Thru Procedure Date As stated in the Council's Provider Manual.

13a-13f 10a-10f Procedures As stated in the Council's Provider Manual.

14a-14f 11a-11f Diagnosis Codes As stated in the Council's Provider Manual.

15a-15f Charges As--stated--in-the--Council's--Provider Manual:

16a-16f 12a-12f Units As stated in the Council's Provider Manual.

13 17 Type of Bill As stated in the Council's Provider Manual.

14 18 Surgical Site ID Number As assigned by the Council.

15 19 Type of Admission As stated in the Council's Provider Manual.

16 20 Source of Admission As stated in the Council's Provider Manual.

17 21 Discharge Status As stated in the Council's Provider Manual.

18 22 Filler As stated in the Council's Provider Manual.

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

7b 7b Referring Physician If applicable, and if known, the physician's state license number is the required ID number. UPINs are allowed for all claims.

10 Total Charges As--stated--in-the-Council's--Provider Manual:

11a-11f 8a-8f From Procedure Date As stated in the Council's Provider Manual.

12a-12f 9a-9f Thru Procedure Date As stated in the Council's Provider Manual.

13a-13f 10a-10f Procedures As stated in the Council's Provider Manual.

14a-14f 11a-11f Diagnosis Codes As stated in the Council's Provider Manual.

15a-15f Charges As--stated--in-the--Council's--Provider Manual:

16a-16f 12a-12f Units As stated in the Council's Provider Manual.

13 17 Type of Bill As stated in the Council's Provider Manual.

14 18 Surgical Site ID Number As assigned by the Council.

15 19 Type of Admission As stated in the Council's Provider Manual.

16 20 Source of Admission As stated in the Council's Provider Manual.

17 21 Discharge Status As stated in the Council's Provider Manual.

18 22 Filler As stated in the Council's Provider Manual.

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: General Provisions
- 2) Code Citation: 77 Ill. Adm. Code 2500
- 3) Section Numbers:
2500.10 Proposed Action:
2500.20 Amendment
Amendment
- 4) Statutory Authority: Authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/2-3].
- 5) A Complete Description of the Subjects and Issues Involved: The amendments enhance the agency's ability to develop methods to measure stabilization of costs of hospitalization as well as utilization of services.
- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this amendment contain an incorporation by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands a State mandate.
- 11) Time, Place and Manner in which interested persons may comment on this rulemaking: Comments may be submitted in writing within 45 days after this issue of the *Illinois Register* to:
Norman Roughley
Supervisor, Health Care Industry Relations
Provider Assistance Division
Illinois Health Care Cost Containment Council
4500 South Sixth Street Road, Suite 215
Springfield, Illinois 62703-5118
217/786-7001, extension 108
- 12) Initial Regulatory Flexibility Analysis:

- A) Type of small business affected: Hospitals and licensed ambulatory surgical treatment centers
- B) Reporting, bookkeeping or other procedures required for compliance:
None additional
- C) Type of professional skills necessary for compliance: None additional

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The need for the rulemaking was not anticipated at that time.

The full text of the Proposed Amendments begins on the next page:

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCILPART 2500
GENERAL PROVISIONS

Section
2500.10 Purpose and Objectives
2500.20 Definitions
2500.30 Gender and Number

AUTHORITY: Implementing and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/2-3].

SOURCE: Adopted at 9 Ill. Reg. 12760, effective August 5, 1985; amended at 25 Ill. Reg. _____, effective _____.

Section 2500.10 Purpose and Objectives

Parts 2500 through 2550 are established to accomplish the general purposes of the Illinois Health Finance Reform Act [20 ILCS 2215] ~~(((111-Rev-Stat-1984-Supp-77-ch-111-179-par-6501-i-et-seq-7) and in particular the stabilization of the cost of hospitalization and measurement of utilization by the achievement of the following objectives:~~

- a) development of measures which will increase hospital and licensed ambulatory surgical treatment center productivity and better control utilization, while continuing to provide quality health care services to all sectors of the citizenry, education and training of health care professionals, and research and development of improved and cost effective methods of treatment of ailments and management of facilities and operations;
- b) the study, recommendation and implementation of measures to contain health care costs;
- c) the encouragement of new and innovative methods of financing health care; and;
- d) limitation of the increase in the cost of hospital care to no more than the rate of increase in prices in the general economy.

(Source: Amended at 25 Ill. Reg. _____, effective _____.)

Section 2500.20 Definitions

As used in this Chapter XI, 77 Ill. Adm. Code 2500 through 2550:

"Act" means the Illinois Health Finance Reform Act [20 ILCS 2215].
~~(((111-Rev-Stat-1984-Supp-77-ch-111-179-par-6501-i-et-seq-7) and~~

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

"Ambulatory Surgical Treatment Center" or "ASTC" has the meaning ascribed to that term under Section 3 of the Ambulatory Surgical Treatment Center Act [210 ILCS 5/3].

"Confidential Information" means that information which the Council has defined to be confidential in 77 Ill. Adm. Code 2510.80.

"Council" means the Illinois Health Care Cost Containment Council created by the Act.

"Executive Director" means the chief operating officer of the Council.

"File", "filed", "filing" means, with respect to reports, statements and documents required to be filed with the Council:

1) delivery to the principal office of the Council by the close of business of the prescribed filing date;

2) delivery to the branch office of the Council by the close of business of the prescribed filing date; or

3) deposit with the United States Postal Service, postage prepaid, addressed to either the principal or branch office of the Council, in sufficient time so that the mailed documents will arrive by the close of business of the prescribed filing date.

"Governor" means the Governor of Illinois.

"Hospital" means any institution, place, building, agency, public or private, whether organized for profit or not-for-profit, which is subject to licensure by the Illinois Department of Public Health under the Hospital Licensing Act [210 ILCS 85] ~~(((111-Rev-Stat-1997-ch-111-179-par-142-et-seq-7, and the University of Illinois Hospital as defined in the University of Illinois Hospital Act [110 ILCS 330] "AN Act in relation to the founding and operation of the University of Illinois Hospital and the conduct of--University of--Illinois--Health care--programs"--approved--duty--37-1937-as-amended--(((111-Rev-Stat-19837-ch-237-par-1373-et-seq-7.~~

"Member" means a person appointed by the Governor to the Council created by the Act.

"Outpatient" means any health care service provided to a patient who is not admitted as an inpatient to the hospital and any health care services provided by a licensed ambulatory surgical treatment center.

"Outpatient surgery" means specific procedures performed on an outpatient basis in a hospital or licensed ambulatory surgical

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

treatment center that are listed in the Current Procedural Terminology (CPT) 1999 surgery section, codes 10000 through 69999, maintained and distributed by the American Medical Association and any successor editions; or those listed in the International Classification of Diseases, 9th edition, Clinical Modification (ICD-9-CM), Volume 3 procedures 01 through 86.99, maintained and distributed by the U.S. Department of Health and Human Services and any successor editions.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hospital Price Information
- 2) Code Citation: 77 Ill. Adm. Code 2530
- 3) Section Numbers: Proposed Action:
2530.50 Repeal
- 4) Statutory Authority: Implementing Section 4-4 and authorized by Section 2-3 of the Illinois Health Finance Reform Act [20 ILCS 2215/4-4 and 2-3].
- 5) A Complete Description of the Subjects and Issues Involved: Since legislation was passed this year for the agency to collect outpatient surgical data on a full-time basis, the amendment will repeal the pilot study that was authorized by Public Act 89-554.
- 6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this amendment contain an incorporation by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands a State mandate.

11) Time, Place and Manner in which interested persons may comment on this rulemaking: Comments may be submitted in writing within 45 days after this issue of the *Illinois Register* to:

Norman Roughley
Supervisor, Health Care Industry Relations
Provider Assistance Division
Illinois Health Care Cost Containment Council
4500 South Sixth Street Road, Suite 215
Springfield, Illinois 62703-5118
217/786-7001, extension 108

12) Initial Regulatory Flexibility Analysis:

A) Type of small business affected: Hospitals and licensed ambulatory surgical treatment centers

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Type of professional skills necessary for compliance: None additional

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

- 13) Regulatory agenda on which this rulemaking was summarized; This rulemaking was not included on either of the 2 most recent regulatory agendas because: The need for the rulemaking was not anticipated at that time.

The full text of the Proposed Amendments begins on the next page:

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

PART 2530

HOSPITAL PRICE INFORMATION

Section	Price Information
2530.10	Posting Information
2530.20	Size and Place of Posting
2530.30	Reporting Information
2530.40	Outpatient Surgical Reporting Information Surveys (Repealed)

APPENDIX A	Current Established Charges For Services
APPENDIX B	Report of Current Charges for Outpatient Services and Procedures (Repealed)

AUTHORITY: Implementing Section 4-4 of Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/4-4 and 2-3].

SOURCE: Adopted at 9 Ill. Reg. 12764, effective August 5, 1985; amended at 12 Ill. Reg. 20089, effective November 21, 1988; amended at 15 Ill. Reg. 1821, effective January 29, 1991; emergency amendment at 17 Ill. Reg. 14172, effective August 10, 1993, for a maximum of 150 days; emergency expired on January 7, 1994; amended at 18 Ill. Reg. 5343, effective March 21, 1994; amended at 19 Ill. Reg. 12478, effective August 21, 1995; emergency amendment at 21 Ill. Reg. 3318, effective February 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 9008, effective June 27, 1997; amended at 25 Ill. Reg. _____, effective _____.

Section 2530.50 Outpatient Surgical Reporting Information Surveys (Repealed)

For the implementation of the pilot study as authorized in Public Act 89-554, hospitals and ambulatory surgical treatment centers in Health Service Area XI shall report the prices of those outpatient surgical procedures identified by the Council for the twelve months ending December 31, 1996. The information required to be submitted pursuant to this part shall be submitted on a survey form provided (with the accompanying instructions) to hospitals and ambulatory surgical treatment centers. The completed survey shall be returned to the Council by April 15, 1997.

(Source: Repealed at 25 Ill. Reg. _____, effective _____.)

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Penalties
- 2) Code Citation: 77 Ill. Adm. Code 2540
- 3) Section Numbers:
2540.10 Proposed Action:
2540.20 Amendment
2540.30 Amendment
- 4) Statutory Authority: Implementing Article V and authorized by Section 2-3 of the Illinois Health Finance Reform Act (20 ILCS 2215/Art. V and 2-3 4-4).

5) A Complete Description of the Subjects and Issues Involved: The amendments provide the agency with authority to impose the same fines and penalties on hospitals and licensed ambulatory surgical treatment centers (ASTCs) that are required by law to submit outpatient surgical data to the agency that are currently in place for hospitals who are submitting inpatient data to the agency.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this amendment contain an incorporation by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands a state mandate.

11) Time, Place and Manner in which interested persons may comment on this rulemaking: Comments may be submitted in writing within 45 days after this issue of the *Illinois Register* to:

Norman Roughley
Supervisor, Health Care Industry Relations
Provider Assistance Division
Illinois Health Care Cost Containment Council
4500 South Sixth Street Road, Suite 215
Springfield, Illinois 62703-5118
217/786-7001, extension 108

12) Initial Regulatory Flexibility Analysis:

A) Type of small business affected: Hospitals and licensed ambulatory surgical treatment centers

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

- B) Reporting, bookkeeping or other procedures required for compliance:
None additional
- C) Type of professional skills necessary for compliance: None additional
- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The need for the rulemaking was not anticipated at that time.

The full text of the Proposed Amendments begins on the next page:

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

PART 2540
PENALTIES

Section
2540.10 Criminal Penalties
2540.20 Referral to State's Attorney
2540.30 Request for Injunction

AUTHORITY: Implementing Article V and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. V and 2-3].

SOURCE: Adopted at 9 Ill. Reg. 12778, effective August 5, 1985; amended at 12 Ill. Reg. 6114, effective March 21, 1988; emergency amendment at 16 Ill. Reg. 19223, effective November 25, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 9713, effective June 10, 1993; amended at 19 Ill. Reg. 12485, effective August 21, 1995; amended at 25 Ill. Reg. _____, effective _____.

Section 2540.10 Criminal Penalties

a) Any individual hospital or licensed ambulatory surgical treatment center or other organization or entity willfully violating the provisions of the Illinois Health Finance Reform Act [20 ILCS 2215] or this Chapter promulgated by the Council, shall be guilty of a business offense punishable by a fine of \$10,000 and each day's violation shall constitute a separate offense. These penalties apply to all intentional breaches of patient confidentiality not authorized by statute or the Council. [20 ILCS 2215/5-2] (111-Rev--Stat--1984)--En-11-1-97-par--6505-2)

b) The State's Attorney of the county in which the violation occurred, or the Attorney General, shall, upon the request of the Council, bring an action for an injunction against any hospital or licensed ambulatory surgical treatment center violating the provisions of the Act. [20 ILCS 2215/5-2]

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2540.20 Referral to State's Attorney

Whenever the Council is aware of the existence of probable cause to believe that a hospital or licensed ambulatory surgical treatment center is willfully violating any provisions of the Act or of this Chapter, it shall inform the State's Attorney of the county in which the alleged violation occurred of the facts known to the Council concerning the alleged violation.

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2540.30 Request for Injunction

a) Whenever the Council finds that it is necessary in order for the Council to effectively perform its duties pursuant to the Act, it may request the State's Attorney of the county in which an alleged violation of the Act or this Chapter occurred, or the Attorney General, to bring an action for injunction against any hospital or licensed ambulatory surgical treatment center violating the provisions of the Act or this Chapter.

b) The Council will send two warning letters to hospitals or licensed ambulatory surgical treatment centers who are out of compliance with its requirements for the correct submission of financial data of and UB-924/HCPA 1450 or HCFA 1500 data as set forth in 77 Ill. Adm. Code 2510. The letters will be sent within 60 days after of the time the hospital or licensed ambulatory surgical treatment center is determined to be out of compliance. The first letter will be being sent no later than 20 days and the second letter no later than 40 days after the hospital or licensed ambulatory surgical treatment center is determined by the Council to be out of compliance. The letters will be sent certified mail return receipt requested.

c) The first letter will be a reminder that data are due. The final letter will indicate that, if the hospital or licensed ambulatory surgical treatment center does not provide a satisfactory response within ten days, that the Council shall request an injunction.

d) A satisfactory response from a hospital or licensed ambulatory surgical treatment center shall be the submission of the late data or a response acceptable to the Council from the hospital or licensed ambulatory surgical treatment center demonstrating that either compliance is impossible or that the hospital or licensed ambulatory surgical treatment center is actively undertaking those steps necessary to submit the late data. Compliance is impossible when the Council determines that it would constitute a burden outweighing the benefit to the public that would be obtained by the submission of the data.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Food Stamps

2) Code Citation: 89 Ill. Adm. Code 121

3) Section Numbers:

121.60 Proposed Action:
121.61 Amendment
121.63 Amendment
121.64 Amendment

4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking revises the income eligibility standards and benefit allowances and determines how those income standards and benefit allowances are to be applied. These standards were recently released and are effective October 1, 2000. These changes are made to conform with Food and Nutrition Service regulations.

6) Will this proposed amendment replace an emergency amendment currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
217/785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendment is identical to the text of the emergency amendment on page 1547 (of this issue of the *Illinois Register*).

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) **Heading of the Part:** Practice in Administrative Hearings
- 2) **Code Citation:** 89 Ill. Adm. Code 104
- 3) **Section Numbers:** Proposed Action:
104.206 Amendment
- 4) **Statutory Authority:** Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) **Complete Description of the Subjects and Issues Involved:** These proposed amendments to the Department's medical vendor hearing rules pertain to instances when the recovery of money is warranted, such as reimbursement overpayments. Currently, Section 104.206 allows the Department to recover overpayments from future payments prior to the end of a formal hearing. Any money so recovered will be repaid to the vendor if the alleged overpayment is not proven at hearing and the recovery was not warranted. However, since the total billings and overpayments, or alleged overpayments, of inpatient and residential providers tend to reflect substantial sums of money, the Department is proposing a new recovery procedure for these providers.

Under the proposed amendments, separate recovery provisions are being established for inpatient and residential facilities, such as hospitals and nursing homes, as compared to other provider types. The amendments prohibit involuntary withholding by the Department on inpatient and residential facilities during the pendency of a hearing unless it is determined that the opportunity for recovery will be jeopardized if the recovery does not occur prior to the completion of the hearing. Provisions for Department recovery under these limited circumstances are described in the proposed amendments. Section 104.206 is also being revised to not preclude any provider of inpatient or residential services from voluntarily allowing the Department to recover money concerning an overpayment, prior to the completion of a hearing.

Since Department recovery of reimbursement overpayments will continue under these proposed amendments, no budgetary increases or decreases are expected.

- 6) **Will these proposed amendments replace emergency amendments currently in effect?** No
- 7) **Does this rulemaking contain an automatic repeal date?** No
- 8) **Do these proposed amendments contain incorporations by reference?** No
- 9) **Are there any other proposed amendments pending on this Part?** No

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 10) **Statement of Statewide Policy Objectives:** These proposed amendments do not affect units of local government.

- 11) **Time, Place, and Manner in which Interested Persons May Comment on this Proposed Rulemaking:** Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
217-524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) **Initial Regulatory Flexibility Analysis:**

A) **Types of small businesses, small municipalities and not-for-profit corporations affected:** Institutional vendors that provide inpatient and residential services such as hospitals and long term care facilities

B) **Reporting, bookkeeping or other procedures required for compliance:** None

C) **Types of professional skills necessary for compliance:** None

- 13) **Regulatory Agenda on Which this Rulemaking Was Summarized:** July 2000

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 104

PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: ASSISTANCE APPEAL

Section

104.1 Assistance Appeals
104.10 Initiation of Appeal Process
104.11 Pre-Appeal Review
104.12 Notice of Hearing
104.20 Conduct of Hearings
104.21 Representation
104.22 Appellant Participation in Hearing
104.23 Evidentiary Requirements
104.30 Subpoenas
104.35 Amendment of Appeal
104.40 Consolidation of Appeals
104.45 Postponement or Continuation of Hearings
104.50 Withdrawal of Appeal
104.55 Closing of Hearing Record
104.60 Dismissal of Appeal
104.70 Final Administrative Decision
104.80 Public Aid Committee

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section
104.100 Support Order, Responsible Relative and Joint Payee Petitions
104.101 Petition for Hearing
104.102 Conduct of Administrative Support Hearings
104.103 Conduct of Hearings to Contest the Determination of Past-Due Support or of Share of Jointly-Owned Federal or State Income Tax Refunds or Other Joint Federal or State Payments
104.104 Conduct of Other Hearings
104.105 Conduct of Hearings on Petitions for Release from Administrative Paternity Orders
104.110 Conduct of Hearings on Joint Owner's Contest of Levy of Jointly-Owned Personal Property

SUBPART C: MEDICAL VENDOR HEARINGS

Section

104.200 Applicability
104.202 Definitions

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

104.204 Notice of Denial of An Application
104.206 Notice of Intent to Recover Money
104.207 Notice of Contested Paternity Hearing
104.208 Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement
104.209 Notice of Intent to Certify Past-Due Support Owed by a Responsible Relative for, or Failure to Comply with a Subpoena or Warrant from, a State Licensing Agency and to Take Disciplinary Action

104.210 Notice of Hearing
104.211 Notice of Termination or Suspension Pursuant to Exclusion by the Department of Health and Human Services
104.212 Prior Factual Determinations
104.213 Demand for Judicial Determination of the Existence of the Father and Child Relationship

104.215 Notice of Formal Conference
104.216 Formal Conference on Recovery of Money
104.217 Purpose of Formal Conference
104.220 Notice of Hearing
104.221 Issues at Hearings
104.225 Legal Counsel
104.226 Appearance of Attorney or Other Representative
104.230 Notice, Service and Proof of Service
104.231 Form of Papers
104.235 Discovery
104.240 Conduct of Hearings
104.241 Amendments
104.242 Motions
104.243 Subpoenas
104.244 Burden of Proof
104.245 Witness at Hearings
104.246 Evidence at Hearings
104.247 Cross-Examination
104.248 Disqualification of Hearing Officers
104.249 Genetic Testing in Contested Paternity Hearings
104.250 Official Notice
104.255 Computer Generated Documents
104.260 Recommendation of Peer Review Committee
104.270 Time Limits for Hearings
104.271 Continuances and Extensions
104.272 Withholding of Payments During Pendency of Proceedings
104.273 Continuation of Payments During Pendency of Proceedings
104.274 Denial of Payments for Services During Pendency of Proceedings
104.280 Record of Hearings
104.285 Failure to Appear or Proceed
104.290 Recommended Decision
104.295 Director's Decision

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS AGAINST

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES PARTICIPATING IN THE MEDICAID PROGRAM

Section 104.300	Authority
Section 104.302	Definitions
Section 104.304	Department Actions Against Nursing Homes Facilities
Section 104.310	Certification
Section 104.320	Joint Administrative Hearing
Section 104.330	Facilities Certified Under Both Medicare and Medicaid
SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS	
104.400	Suspected Intentional Violation of the Program
104.410	Advance Notice of Administrative Disqualification Hearing
104.420	Postponement of Hearing
104.430	Administrative Disqualification Hearing Procedures
104.440	Failure to Appear
104.450	Participation While Awaiting a Hearing
104.460	Consolidation of Administrative Disqualification Hearing with Fair Hearing
104.470	Administrative Disqualification Hearing Decision and Notice of Decision
104.480	Appeal Procedure

SUBPART F: INCORPORATION BY REFERENCE

Section 104.800	Incorporation by Reference
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AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11, p. 151, effective March 9, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 38, effective March 1, 1979; amended at 4 Ill. Reg. 21, p. 80, effective May 8, 1980; peremptory amendment at 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10753, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989;

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

amended at 14 Ill. Reg. 18826, effective November 9, 1990; amended at 15 Ill. Reg. 5320, 1991; amended at 16 Ill. Reg. 12203, effective August 15, 1992; amended at 16 Ill. Reg. 16612, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 653, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 7023, effective April 30, 1993; amended at 18 Ill. Reg. 12160, effective July 1, 1994; amended at 19 Ill. Reg. 1321, effective January 30, 1995; emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 11521, effective October 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13711, effective November 9, 1995; amended at 20 Ill. Reg. 1229, effective December 23, 1995; amended at 21 Ill. Reg. 1639, effective March 28, 1996; amended at 21 Ill. Reg. 14093, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 8671, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 13066, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13648, effective October 1, 1997; amended at 21 Ill. Reg. 14977, effective November 1, 1997; emergency amendment at 22 Ill. Reg. 1713, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 23916, effective January 27, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 11734, effective September 1, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 2418, effective January 27, 2000; amended at 25 Ill. Reg. _____, effective _____.

SUBPART G: MEDICAL VENDOR HEARINGS

Section 104.206 Notice of Intent to Recover Money

a) Institutional Vendors

- 1) For purposes of this Section, institutional vendors means providers enrolled in the Medical Assistance Program to provide inpatient or residential services, such as hospitals and long term care facilities.
- 2) The ~~if~~ the Department shall notify the institutional vendor in writing of an intent ~~intends~~ to recover money ~~it shall notify the vendor in writing~~ setting forth:
 - A) the reason for the Department's action,
 - B) a statement of the right to request a hearing,
 - C) a statement of the time, place and nature of the hearing,
 - D) a statement of the legal authority and jurisdiction under which the hearing is to be held, and
 - E) a reference to the Sections ~~sections~~ of the statutes and rules involved.
- 3) For institutional vendors, the Department will not recover money during the pendency of a hearing, unless the Department determines that the recovery of money would be in jeopardy if the recovery does not occur prior to the completion of the hearing due to events such as, but not limited to, pending

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decertification of the provider or the filing of a False Claims Act action against the provider. In such circumstances, the Department may recover the money prior to the completion of the hearing, and the notice shall set forth:

- a) the date after which the Department will start to recover money by deducting from Department obligations to the vendor;
 - b) a statement that the Department will recover the money in this manner prior to the completion of any hearing requested;
 - c) a statement that any money so recovered will be repaid to the vendor if it is determined at hearing that the recovery was not warranted; and
 - d) a statement that the vendor has the opportunity to respond prior to the date the Department will start to recover money during the pendency of the hearing and a statement of how and to whom such a response should be made.
- 4) Nothing in this subsection (a), except as provided in subsection (a)(3), shall preclude a vendor who is enrolled to provide inpatient or residential services from voluntarily having the Department recover money by deducting from Department obligations to the vendor all or part of the claimed overpayment prior to the completion of any hearing.

b) Non-Institutional Vendors

- 1) For purposes of this Section, non-institutional vendors means providers enrolled in the Medical Assistance Program that do not provide inpatient or residential services.

- 2) The Department shall notify the non-institutional vendor in writing of an intent to recover money setting forth:

- a) the requirements described in subsections (a)(2)(A) through (E) of this Section;
 - b) the date after which the Department will start to recover money by deducting from Department obligations to the vendor;
 - c) a statement that the Department will recover the money in this manner prior to the completion of any hearing requested;
 - d) a statement that any money so recovered will be repaid to the vendor if it is determined at hearing that the recovery was not warranted; and
 - e) a statement that the vendor has the opportunity to respond prior to the date the Department will start to recover money during the pendency of the hearing and a statement of how and to whom such a response should be made.
- f) a statement that the vendor has the opportunity to respond prior to the recovery and a statement of how and to whom such a response should be made; and
- g) the date after which the Department will start to recover money by

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deducting from Department obligations to the vendor and a statement that the Department will recover the money in this manner prior to the completion of any hearing requested and that any money so recovered will be repaid to the vendor if it is not determined at hearing that the recovery was warranted.

(Source: Amended at 25 Ill. Reg. _____, effective _____.)

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- 1) Heading of the Part: Procedures for Reporting Releases of Livestock Waste

- 2) Code Citation: 35 Ill. Adm. Code 580

- 3) Section Numbers: Adopted Action:

580.100	Amended
580.102	Amended
580.103	Amended
580.104	Amended
580.105	Amended
580.200	Amended
580.300	Amended

- 4) Statutory Authority: Implementing and authorized by Section 4(h) of the Illinois Environmental Protection Act (415 ILCS 5/4(h) (1998)) and Section 18 of the Livestock Management Facilities Act [510 ILCS 77/18, as amended by P.A. 91-0110, effective July 13, 1999].

- 5) Effective Date of amendments: October 6, 2000

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in the Illinois Register: 23 Ill. Reg. 12507, October 15, 1999

- 10) Has JCPR issued a Statement of Objection to these amendments: No

- 11) Differences between proposal and final version:

1. In Section 580.100, the phrase "or transportation equipment" has been deleted and the phrase "from the livestock waste handling facility or transportation equipment" has been added between the words "waste" and "must".

2. In Section 580.102, after the word "facilities", the phrase "or transportation equipment" has been deleted and after the phrase "that release livestock waste", the phrase "from the livestock waste handling facility or transportation equipment" has been added. The phrase "subject to the provisions of Section 580.105(b)" has been added after "Section 580.104".

3. In Section 580.103, Definitions:

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- The definition of "Controlled and Recovered Release" has been changed by correcting a typographical error in the phrase "crop of vegetation." The word "of" has been changed to the word "or".

- The definition of "Livestock management facility" has been added after the deletion of the definition of "lagoon". The definition states:

"livestock management facility" means any animal feeding operation, livestock shelter, or on-farm milking and accompanying milk-handling area, two or more livestock management facilities under common ownership where the facilities are not separated by a minimum distance of 1/4 mile, and that share a common livestock waste handling facility shall be considered a single livestock management facility. A livestock management facility at education institutions, livestock pasture operations, where animals are housed on a temporary basis such as county and state fairs, livestock shows, race tracks, and horse breeding and foaling farms, and market holding facilities are not subject to this Part. [510 ILCS 77/10.30]"

- The definition of "Release" has been modified by adding "developed pursuant to the Livestock Management Facilities Act (510 ILCS 77) and regulations promulgated thereunder" before "approved by the Department" and deleting "approved by the Department".

4. In Section 580.105(a), after the phrase, "waste handling facility," the phrase "or transportation equipment" has been deleted. After the phrase "shall report any release of livestock waste," the phrase "from the livestock waste handling facility or from the transport of livestock waste by means of transportation equipment" has been added.

5. In Section 580.200(c) and (d), the words "appropriate county" have been deleted and the phrase "of the county in which the release occurred" has not been deleted.

6. In Section 580.300, the phrase "or transportation equipment" has been deleted.

- 12) Have all changes agreed upon by the Agency and JCPR been made as indicated in the agreement letter issued by JCPR? Yes

- 13) Will these proposed amendments replace emergency amendments currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary of Purpose of Rulemaking: This rulemaking amends the procedures for the Reporting of Releases of Livestock Waste to conform with the

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amendments to the Livestock Management Facilities Act. [510 ILCS 77/18, as amended by P.A. 91-0110, effective July 13, 1999].

16) Requests for information and questions regarding these adopted amendments may be directed to:

Tim Kluge
Manager, Field Operations Section
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
(217) 782-9720

The full text of these adopted amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE E: AGRICULTURE RELATED WATER POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 580
PROCEDURES FOR REPORTING RELEASES OF LIVESTOCK WASTE FROM FARM-RAISONS

Section	Introduction
580.100	Scope
580.101	Applicability
580.102	Purpose
580.103	Definitions
580.104	Method of Reporting a Release of Livestock Waste from a Bagoon
580.105	Contents of Report
580.106	Reporting of Releases to Groundwater
580.107	Distribution of Information
580.200	Follow-up Written Report

AUTHORITY: Implementing and authorized by Section 18 of the Livestock Management Facilities Act [510 ILCS 77/18] (see P.A. 91-0110, effective July 13, 1999); and Section 4(h) of the Environmental Protection Act [415 ILCS 5/4(h)].

SOURCE: Adopted at 22 Ill. Reg. 21863, effective December 4, 1998; amended at 24 Ill. Reg. 15415, effective 01/01/2000.

Section 580.100 Introduction

This Part 580 contains Illinois Environmental Protection Agency (Illinois EPA or Agency) rules for the procedure that owners or operators of livestock waste handling facilities ~~bagons~~ that release livestock waste from the livestock waste handling facility or transportation equipment must follow to satisfy their obligation under Section 18(a)(5)(d) of the Livestock Management Facilities Act [510 ILCS 77/18(a)(5)(d)] and Section 4(h) of the Environmental Protection Act [415 ILCS 5/4(h)], and the procedure that the Illinois EPA will follow to distribute or provide access to that information.

(Source: Amended 24 Ill. Reg. 15415, effective 01/01/2000)

Section 580.102 Applicability

The regulations in this Part 580 apply to the owners or operators of livestock waste handling facilities ~~bagons~~ that release livestock waste from the livestock waste handling facility or transportation equipment as those terms are defined in Section 580.104, subject to the provisions of Section 580.105(b).

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(Source: Amended at 24 Ill. Reg. 5.115, effective 5.1.15)

Section 580.103 Purpose

The purpose of this Part 580 is to promote the prompt and effective notification of releases of livestock waste from a lagoon to minimize damage to the environment and to protect the health of our citizens.

(Source: Amended at 24 Ill. Reg. 5.115, effective 5.1.15)

Section 580.104 Definitions

Terms used in this Part have the meaning specified in the Livestock Management Facilities Act [510 ILCS 77] or the Environmental Protection Act [415 ILCS 5]. The following terms have the meanings specified:

"Agency" means the Illinois Environmental Protection Agency.

"Controlled and recovered release" means any release that: does not result in a discharge to waters of the State; and has been controlled by diking or berming, or has been otherwise restricted in flow or extent; and has been recovered so that the unrecovered portion of the released livestock waste is less than or equal to the agronomic application rate of the crop or vegetation grown at the site of the release.

"Department" means the Illinois Department of Agriculture.

"Lagoon" means any excavated, diked, or waited structure or combination of structures designed for biological stabilization and storage of livestock wastes. A lagoon does not include structures such as manufactured storage structures or pits under buildings as defined in rules under the Environmental Protection Act concerning agriculture-related pollution. (510 ILCS 77/10-25)

"Livestock management facility" means any animal feeding operation, livestock shelter, or on-farm milking and accompanying milk-handling area. Two or more livestock management facilities under common ownership, where the facilities are not separated by a minimum distance of 1/4 mile, and that share a common livestock waste handling facility shall be considered a single livestock management facility. A livestock management facility at education institutions, livestock

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pasture operations where animals are housed on a temporary basis, such as county and state fairs, livestock shows, race tracks, and horse breeding and racing farms, and market holding facilities are not subject to this Part. [510 ILCS 77/10.30]

"Livestock waste" means livestock excreta and associated feed losses, bedding, wash waters, sprinkling waters from livestock cooling, precipitation polluted by falling on or flowing onto an animal feeding operation, and other materials polluted by livestock. [510 ILCS 77/10.35]

"Livestock waste handling facility" means individually or collectively those immovable constructions or devices, except sewers, used for collecting, pumping, treating, or disposing of livestock waste or for the recovery of by-products from the livestock waste. Two or more livestock waste handling facilities under common ownership, and where the facilities are not separated by a minimum distance of 1/4 mile, shall be considered a single livestock waste handling facility. [510 ILCS 77/10.40]

"Owner or Operator" means any person who owns, leases, controls, or supervises a livestock management facility or livestock waste-handling facility. [510 ILCS 77/10.50]

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other legal entity or their legal representative, agent, or assigns. [510 ILCS 77/10.55]

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, or dumping of livestock waste from a lagoon into the environment. From a lagoon does not include from trucks or from application vehicles lacking a direct and continuous connection to the lagoon. For purposes of this Part, a release does not include the normal application of fertilizer such as the application of livestock waste to crop land at agronomic rates established by guidelines of the Agency, regulations of the Illinois Pollution Control Board or in a waste management plan developed pursuant to the Livestock Management Facilities Act [510 ILCS 77] and regulations promulgated thereunder approved by the Department for the crop grown. A release is not application to a grassed area under 35 Ill. Adm. Code 506.303(r) or use of a runoff field application system under 35 Ill. Adm. Code 501.404(d) or to small temporary accumulations of surface water as a result of precipitation or irrigation. Air emissions are not releases under this Part.

"Transportation equipment" means all structures and devices including

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but not limited to pipes, pumps, tanks, or containers, both mobile and non-mobile, used for conveying livestock waste to or from a livestock management facility or livestock waste handling facility.

"Waters" means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State. [415 ILCS 5/3-56] For purposes of this Part, waters of the State do not include small temporary accumulations of surface water from precipitation or irrigation systems. [510 ILCS 77/18]

(Source: Amended at 24 Ill. Reg. 15 4 15, effective 11-1-80)

Section 580.105 Method of Reporting a Release of Livestock Waste from a Lagoon

a) An owner or operator of a livestock waste handling facility lagoon shall report any release of livestock waste from the livestock waste handling facility or from the transport of livestock waste by means of transportation equipment ~~from the lagoon~~ within 24 hours after the discovery of the release. Reports of releases to surface waters, including to sinkholes, drain inlets, broken subsurface drains or other conduits to groundwater or surface waters, shall be made upon discovery of the release, except when such immediate notification will impede the owner's or operator's response to correct the cause of the release or to contain the livestock waste, in which case the report shall be made as soon as possible but no later than 24 hours after discovery.

b) Reporting shall not be required in the case of a release of less than 25 gallons that is not released to the waters of the State or from a controlled and recovered release during field application. [510 ILCS 77/18(a)]

c) The report required under subsection (a) shall be given to the Illinois Environmental Protection Agency through the Illinois Emergency Management Agency by calling:

1-800-782-7860

1-217-782-7860

(if calling from outside Illinois).

(Source: Amended at 24 Ill. Reg. 15 4 15, effective 11-1-80)

Section 580.200 Distribution of Information

a) Reports under this Part are required by Section 18(a)(5)(4) of the Livestock Management Facilities Act [510 ILCS 77/18(a)(5)(4)] and

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Section 4(h) of the Environmental Protection Act [415 ILCS 5/4(h)], and are therefore not privileged under Section 52.2(h)(1) of the Environmental Protection Act [415 ILCS 5/52.2(h)(1)].

b) All reports under Sections 580.105 and 580.300 will be forwarded to the Department by the Agency.

c) All reports under this Part indicating, or with respect to which subsequent investigations reveal, releases to surface waters will be forwarded by the Agency to the Illinois Department of Natural Resources and to the health department of the county in which the release occurred.

d) All reports under this Part indicating, or with respect to which subsequent investigations reveal, releases to groundwater will be forwarded by the Agency to the health department of the county in which the release occurred.

e) All reports under this Part are accessible from the Illinois EPA through the Freedom of Information Act [5 ILCS 140] and Agency regulations at 2 Ill. Adm. Code 1826.

(Source: Amended at 24 Ill. Reg. 15 3 6, effective 11-1-80)

Section 580.300 Follow-up Written Report

An owner or operator of a livestock waste handling facility lagoon who reports by telephone any release of livestock waste ~~from the lagoon~~ shall provide a follow-up written report of the release within 5 days after the discovery of the release. The report shall confirm and update the information provided by the telephone pursuant to Section 580.106. Written reports shall be addressed to:

Illinois Environmental Protection Agency
Bureau of Water
Compliance Assurance Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

(Source: Amended at 24 Ill. Reg. 15 4 15, effective 11-1-80)

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- 1) Heading of the Part: Child Care
- 2) Code Citation: 89 Ill. Adm. Code 50
- 3) Section Numbers: Adopted Action:
50.230 Amendment
- 4) Statutory Authority: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].
- 5) Effective Date of Amendments: October 10, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 7, 2000 (24 Ill. Reg. 9316)
- 10) Has JCAR Issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: No changes were made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part: No
- 15) Summary and Purpose of Amendments: Pursuant to provisions of ACF 98.20, these amendments reduce the maximum age of a child receiving child care services from 19 years of age to 18 years of age.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Mrs. Susan Weir, Bureau Chief
(217) 785-9772
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

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The full text of adopted amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 50
CHILD CARE

SUBPART A: GENERAL PROVISIONS

Section

- 50.101 Incorporation by Reference
50.110 Participant Rights and Responsibilities
50.120 Notification of Available Services
50.130 Child Care Overpayments and Recoveries

SUBPART B: APPLICABILITY

Section

- 50.210 Child Care
50.220 Method of Providing Child Care
50.230 Child Care Eligibility
50.235 Income Eligibility Criteria
50.240 Qualified Provider
50.250 Additional Service to Secure or Maintain Child Care

SUBPART C: PAYMENT FEES

Section

- 50.310 Fees for Child Care Services
50.320 Maximum Annual Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Care

SUBPART D: CHILD CARE ABUSE AND NEGLECT

Section

- 50.410 Provider Eligibility
50.420 Payment for Child Care Services

AUTHORITY: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9502, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 14961, effective November 10, 1997; emergency amendment at 22 Ill. Reg. 12816, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 21037, effective November 27, 1998; emergency amendment at 23 Ill. Reg. 10875, effective August 20, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 1058, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 6604, effective April 5, 2000, for a

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maximum of 150 days; amended at 24 Ill. Reg. 13987, effective September 1, 2000; amended at 24 Ill. Reg. 13943, effective July 1, 2001.

SUBPART B: APPLICABILITY

Section 50.230 Child Care Eligibility

- a) Child care services are restricted to children under age 13 and to children under age 19 who are under court supervision or have physical or mental incapacities as documented by a statement from a local health provider or other health professional.
b) Parents and other relatives eligible to receive child care services include:

- 1) Recipients of Temporary Assistance for Needy Families (TANF) under Article IV of the Public Aid Code participating in work and training activities as specified in their personal plans for employment and self-sufficiency who have been approved for child care benefits by the Department and who meet the annual income ceilings in subsection (b)(2) of this Section.
- 2) Working families, including teen parents while they attend school to obtain a high school degree or its equivalent, whose annual incomes do not exceed the following amounts by family size:

Family Size	Annual Income
2	\$17,663
3	\$21,819
4	\$25,975
5	\$30,131
6	\$34,288
7	\$35,067
8	\$35,846

- 3) Subject to an annual allocation of \$7.5 million, families who do not receive TANF and need child care services in order to attend school or training (up to and including the acquisition of a Bachelor's Degree) and whose annual income does not exceed the annual income ceilings in subsection (b)(2) of this Section. Qualifying families are eligible to receive child care services needed to attend literacy and other adult basic education, English as a Second Language, GED preparation, and vocational training for up to 24 non-consecutive months with no work requirement, after which they must work a monthly average of at least 20 hours per week in paid employment. Child care provided to a teen parent to obtain a high school degree, or its equivalent, does not count against this 24-month limit. Qualifying families are eligible to receive child care services to attend a 2 or 4 year college degree program if they work a

monthly average of at least 10 hours per week in paid employment or a monthly average of at least 20 hours per week in a combination of paid employment and unpaid, educationally-required work activities such as student teaching, an internship, a clinical, a practicum or an apprenticeship. Child care services shall be available during time periods that are reasonably related to the paid work, self-employment and education or training activity, including class hours and research, laboratory, library and transportation time. Families with a work requirement shall receive the same grace periods between jobs as persons who receive services pursuant to subsection (b)(2) of this Section. If a parent is claimed as a dependent by another person for federal income tax purposes, that parent is only eligible if his or her income when added to the income of the other person does not exceed the annual income ceiling in subsection (b)(2) of this Section for that family size. Enrollment for child care under this subsection (b)(3) will be stopped when the projected annual costs for enrolled participants reaches \$7.5 million.

c) All families must be residents of Illinois.
d) Payment for child care services to eligible parents may begin on the first day of the month before the month in which the application is received by the Department or its agents.
e) Eligibility ceases 10 calendar days from the date of the termination notice sent to the parent by the Department or its agents following a determination of ineligibility.

(Source: Amended 24 Ill. Reg. 5.33, effective 1/1/00)

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Numbers: 121.63
Adopted Action: Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
- 5) Effective Date of Amendment: October 10, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 6/16/00, 24 Ill. Reg. 8186
- 10) Has JCAR Issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: In Section 121.63(g)(3), added "or heating, air conditioning and electricity", after "both".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part: No
- 15) Summary and Purpose of Amendment: This rulemaking revises the income eligibility standards and benefit allowances as well as determining how those income standards and benefit allowances are to be applied. These standards were recently released and are effective October 1, 2000. These changes are made to conform with Food and Nutrition Service regulations.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures

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Department of Human Services
100 South Grand Avenue East, 3rd Fl.
Springfield, Illinois 62762
(217) 785-9772

The full text of adopted amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt From Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Period of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.30 Unearned Income
- 121.31 Exempt Unearned Income
- 121.32 Education Benefits
- 121.33 Unearned Income In-Kind
- 121.34 Lump Sum Payments and Income Tax Refunds
- 121.40 Earned Income
- 121.41 Budgeting Earned Income
- 121.50 Exempt Earned Income
- 121.51 Income from Work/Study/Training Programs
- 121.52 Earned Income from Roomer and Boarder

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121.53 Income From Rental Property
 121.54 Earned Income In-Kind
 121.55 Sponsors of Aliens
 121.57 Assets
 121.58 Exempt Assets
 121.59 Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section

121.60 Net Monthly Income Eligibility Standards
 121.61 Gross Monthly Income Eligibility Standards
 121.62 Income Which Must Be Annualized
 121.63 Deductions From Monthly Income
 121.64 Food Stamp Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section

121.70 Composition of the Assistance Unit
 121.71 Living Arrangement
 121.72 Nonhousehold Members
 121.73 Ineligible Household Members
 121.74 Strikers
 121.75 Students
 121.76 Households Receiving AFDC, SSI, Interim Assistance and/or GA -
 Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section

121.80 Fraud Disqualification (Renumbered)
 121.81 Initiation of Administrative Fraud Hearing (Repealed)
 121.82 Definition of Fraud (Renumbered)
 121.83 Notification To Applicant Households (Renumbered)
 121.84 Disqualification Upon Finding of Fraud (Renumbered)
 121.85 Court Imposed Disqualification (Renumbered)
 121.90 Monthly Reporting and Retrospective Budgeting (Repealed)
 121.91 Monthly Reporting (Repealed)
 121.92 Retrospective Budgeting
 121.93 Issuance of Food Stamp Benefits
 121.94 Replacement of the EBT Card or Food Stamp Benefits
 121.95 Restoration of Lost Benefits
 121.96 Uses For Food Coupons
 121.97 Supplemental Payments
 121.98 Client Training for the Electronic Benefits Transfer (EBT) System
 121.99 State Food Program (Repealed)
 121.105 New State Food Program
 121.107

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121.120 Recertification of Eligibility
 121.130 Residents of Shelters for Battered Women and their Children
 121.131 Fleeing Felons and Probation/Parole Violators
 121.132 Incorporation by Reference
 121.135 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
 121.140 Quarterly Reporting
 121.145

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

121.150 Definition of Intentional Violations of the Program
 121.151 Penalties for Intentional Violations of the Program
 121.152 Notification To Applicant Households
 121.153 Disqualification Upon Finding of Intentional Violation of the Program
 121.154 Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section

121.160 Persons Required to Participate
 121.161 Participation and Cooperation Requirements
 121.162 Orientation
 121.164 Assessment and Employability Plan
 121.166 Job Search Component
 121.170 Basic Education Component
 121.172 Job Readiness Component
 121.174 Job Experience Component
 121.176 Work Experience Component
 121.177 Illinois Works Component
 121.178 Job Training Component
 121.179 JTPA Employability Services Component
 121.180 Grant Diversion Component (Repealed)
 121.182 Earnfare Component
 121.184 Sanctions
 121.186 Good Cause for Failure to Cooperate
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AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 5, 1979; amended at 3 Ill. Reg. 35, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 4 Ill. Reg. 3, p. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10708, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November

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19, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8865, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8989, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 13, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10289, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg.

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- B) the current occupants of the home, if any, are not claiming the shelter costs for food stamp purposes; and
- C) the home is not leased or rented during the absence of the household.

5) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.

9) Utility Costs

1) Utility costs include:

A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection fees;

B) basic service fee for one telephone (including tax on the basic fee) of \$27.00; and

C) fees charged by the utility provider for initial installation.

2) Utility deposits are not considered to be utility costs.

3) Those households that which are billed for heating or air conditioning, or both, or heating/air conditioning and electricity, must use the air conditioning/heating standard allowance of \$222. Those households that are not billed for air conditioning or heating but are billed for electricity must use the electricity standard allowance of \$147. ~~separately from their rent or mortgage may claim the standard utility allowance of \$289. Households living in rental housing who are billed on a regular basis by a landlord for costs for heating or air conditioning, heating, or electricity must use the appropriate standard, or both may use the standard utility allowance if utility usage is determined through a meter or otherwise is verifiable or if the charge for heating or air conditioning or both is separate and identifiable. If the air conditioning/heating standard allowance or the electricity standard utility allowance is used, then no other utility costs may be claimed. If actual utility costs are allowed because the household does not qualify for either standard, exceed the standard utility allowance then actual, verified costs may be claimed, except that if a separately-billed phone expense is claimed only the basic telephone allowance of \$27 per month is allowed. The client may switch between the standard utility allowance and actual utility costs only at recertification.~~

4) A However, during the heating or cooling season, a household that is billed less often than monthly for its costs for heating, or air conditioning, or electricity must both but is otherwise eligible to use the standard utility allowance may continue to use the standard utility air conditioning/heating standard allowance or the electricity standard allowance, whichever is appropriate, between billing months.

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5) Households in public housing or privately-owned rental units that receive a bill for over-usage are not entitled to use the air conditioning/heating standard allowance or the electricity standard allowance. When households (as defined at 7 CFR 273.11(a) (1990)) live together, the air conditioning/heating standard allowance or the electricity standard allowance, whichever is appropriate, shall be divided equally among the households that contribute toward the utility costs whether or not each household participates in the program.

6) Households whose expense for heat or electricity, or both, is covered by indirect energy assistance payments under the Illinois Home Energy Assistance Program (47 Ill. Adm. Code 100) shall be entitled to the air conditioning/heating standard allowance or the electricity standard allowance, whichever is appropriate (7 CFR 273.9 and 273.10(d)(6) (1990)). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or electricity, or both, are covered by indirect energy assistance payments.

7) ~~those households which are not billed separately for either heat or air conditioning or electricity are not entitled to claim either the air conditioning/heating standard allowance or the electricity standard allowance but may claim the actual utility amounts for which they are billed separately subject to the \$27 per month limitation for telephone expense.~~

h) Excess Medical Deduction. A deduction for excess medical expenses shall be allowed for households which contain an elderly or disabled member as defined at 7 CFR 271.2 (1990) and Section 121.61. The medical expenses incurred by the qualifying household member which are over \$35 will be deducted, if the expenses will not be reimbursed by insurance or a third party.

(Source: Amended at 24 Ill. Reg. 15438, effective 10/1/90)

ILLINOIS RACING BOARD
NOTICE OF ADOPTED RULES

1) Heading of the Part: Racetrack Improvements

2) Code Citation: 11 Ill. Adm. Code 452

3) Section Numbers: Adopted Action:
452.10 New Section
452.20 New Section
452.30 New Section
452.40 New Section

4) Statutory Authority: 230 ILCS 5/9(b) and 26.1

5) Effective Date of Rulemaking: October 5, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 24 Ill. Reg. 9336 - 7/7/00

10) Has JCAB issued a Statement of Objection to these rules? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAB been made as indicated in the agreements issued by JCAB? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This rulemaking established a report, pursuant to Section 26.1, to be filed with the Board by Illinois racetracks, to be used by the Board to verify that portion of the breakage designated for racetrack improvements.

16) Information and questions regarding these adopted rules shall be directed to:
Mickey Ezzo
Illinois Racing Board, Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601
(312) 814-5017

ILLINOIS RACING BOARD
NOTICE OF ADOPTED RULES

The full text of the adopted rules begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 452

RACETRACK IMPROVEMENTS

Section

452.10

Purpose

452.20

Definitions

452.30

Verification of Expenditures

452.40

Deadline for Filing

AUTHORITY: Authorized by Section 9(b), and implementing Section 26.1, of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b) and 26.1].

SOURCE: Adopted at 24 Ill. Reg. 15439, effective [11-1-2011]

Section 452.10 Purpose

This Part is designed to allow the Board to verify that an amount equal to at least 50% of the breakage retained by each licensee is used by the organization licensee for racetrack improvements at the racetrack from which the wagering facility derives its license, as required by Section 26.1 of the Illinois Horse Racing Act [230 ILCS 5/26.1].

Section 452.20 Definitions

"Racetrack Improvements" - erection, improving or acquisition of seating stands, buildings or other structures, ground or track and the necessary purchase or required restoration of depreciable property and equipment used in the operation of a racetrack. Ordinary repairs and maintenance shall not be considered racetrack improvements.

Section 452.30 Verification of Expenditures

Each organization licensee shall submit to the Board annually a report containing the following information:

- the amount of breakage earned in the previous year by organization licensee, intertrack wagering licensee, and intertrack wagering location licensee;
- a detailed description of improvements made; and
- evidence of payment as verified by canceled checks and/or invoices.

Section 452.40 Deadline for Filing

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NOTICE OF ADOPTED RULES

As detailed in Section 452.30, each organization licensee shall submit to the Board a report no later than January 31 of the succeeding year.

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Commercial Driver Training Schools2) Code Citation: 92 Ill. Adm. Code 10603) Section Numbers1060.50 Adopted Action1060.110 Amendment1060.110 Amendment1060.180 Amendment1060.190 Amendment1060.200 Amendment4) Statutory Authority: Section 2-104(b) and 6-521(a) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b) and 6-521(a)] and Article 5 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. V].5) Effective Date of Amendment: October 5, 20006) Does this rulemaking contain an automatic repeal date? No7) Does this amendment contain incorporations by reference? No8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.9) Notice of Proposal Published in Illinois Register: 25 Ill. Reg. 8225 (June 16, 2000).10) Has JCAR issued a Statement of Objection to this amendment? No11) Differences between proposal and final version: Pursuant to an Agreement with the Joint Committee on Administrative Rules, new language was incorporated at Section 1060.200 (b)(1)(B) to set forth the curriculum that must be offered to each first-time CDL student in a minimum of 4 weeks. This curriculum is contained in the Illinois Occupational Skill Standards, Entry-Level Truck Driver manual and is available from the Secretary of State's Driver Services Facility, 650 Roppolo Drive, Elk Grove Village, IL 60007.

In Section 1060.200(b)(1)(B), added the specific required hours of the SOS prescribed CDL curriculum.

Changed the student/instructor ratio from 3 to 4 in Section 1060.200(b)(2).

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements? Yes

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NOTICE OF ADOPTED AMENDMENTS

13) Will this rulemaking replace any emergency rulemaking currently in effect?
Yes14) Are there any amendments pending on this Part? No15) Summary and Purpose of Amendments: This rulemaking is being adopted in order to bring consistency and to close loopholes in dealing with commercial driving school employees who are indicted, as well as requiring more stringent procedures for the curriculum, records and recordkeeping by commercial driving schools.16) Information and questions regarding these adopted amendments shall be directed to:Robert W. Mueller
Assistant General Counsel
Driver Services Department
2701 S. Dirksen Parkway
Springfield, IL 62723
217-782-5356The full text of the adopted amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1060

COMMERCIAL DRIVER TRAINING SCHOOLS

- Section
1060.5 Definitions
1060.10 Unlicensed Person May Not Operate Driver Training School
1060.20 Requirements for School Licenses
1060.30 Driver Training Schools Names
1060.40 Refund of Application Fees
1060.50 School Locations and Facilities
1060.60 Driver Training School Student Instruction Record
1060.70 Driver Training School Course of Instruction
1060.80 Driver Training School Contracts
1060.90 Inspection of School Facilities
1060.100 Licenses
1060.110 Safety Inspection of Driver Training School Motor Vehicles
1060.120 Requirements to Obtain and Retain a Driver Training Instructor's License
1060.130 Examination for Driver Training Instructor
1060.140 Temporary Permit
1060.150 Driver Training School Responsibility for Employees
1060.160 Solicitation of Students and Pupils for Commercial Driver Training Instruction
1060.170 Hearings
1060.180 Teen Accreditation
1060.190 Denial, Cancellation, Suspension, and Revocation of Commercial Driver Training School's License and Instructor's License
1060.200 Commercial Driver's License and Endorsement Accreditation

AUTHORITY: Implementing Article IV of the Illinois Driver Licensing Law of the Illinois Motor Vehicle Code [625 ILCS 5/Ch. 6, Art. IV] and authorized by Section 2-104(b) of the Illinois Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 2, 1972; codified at 6 Ill. Reg. 12697; transferred from 23 Ill. Adm. Code 252.50 (State Board of Education) pursuant to Section 5-80(d) of the Illinois Administrative Procedure Act [5 ILCS 100/5-80(d)] and Section 6-411 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-411] at 11 Ill. Reg. 1631, effective December 31, 1986; amended at 11 Ill. Reg. 17244, effective October 13, 1987; amended at 12 Ill. Reg. 13203, effective August 1, 1988; amended at 12 Ill. Reg. 19756, effective November 15, 1988; amended at 14 Ill. Reg. 8658, effective May 18, 1990; recodified at 17 Ill. Reg. 20006, effective November 3, 1993; amended at 18 Ill. Reg. 7788, effective May 9, 1994; amended at 20 Ill. Reg. 3861, effective February 14, 1996; amended at 22 Ill. Reg. 22069, effective December 2, 1998; emergency

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amendment at 24 Ill. Reg. 8403, effective May 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15443, effective 11/1/2000.

Section 1060.50 School Locations and Facilities

- a) Each driver training school must comply with Section 6-409 of the Illinois Vehicle Code [625 ILCS 5/6-409]. In addition, the branch classroom shall be identified as such by a permanent sign which indicates the location of the main office and classroom and which is reasonably visible to the general public from outside the branch classroom.
- b) The established place of business of each driver training school shall comply with Section 6-406 of the Illinois Vehicle Code [625 ILCS 5/6-406] and, in addition:
- 1) The main office and each branch office shall have a minimum of 150 square feet of office space; and
 - 2) Each school facility must post, in a conspicuous place, on or near the permanent school sign, the days and regular hours when open. A school shall not be deemed open for business unless at least one authorized representative of the school is present; and
 - 3) The main office and each branch office of the driver training school shall have direct access from the outside. Any business may be conducted in the same building providing the business being conducted is legal and that the business has its own entrance.
- c) The established place of business or branch office, branch classroom or advertised address of any driver training school shall comply with all restrictions contained in Section 6-405(b) of the Illinois Vehicle Code [625 ILCS 5/6-405].
- d) Each established main office Main-Office and branch office Branch Office facility must maintain a place of business which shall be open to the general public a minimum of eight-t 8 hours per week. The 8 hours must be on Monday through Friday between the hours of 7 a.m. and 7 p.m.
- e) The classroom facility shall contain the following:
- 1) Sufficient seating facilities and writing surfaces for students;
 - 2) Charts, diagrams, traffic control devices, or pictures relating to the operation of motor vehicles and traffic laws;
 - 3) Blackboards or other forms of illustrative devices which are visible from all seating areas;
 - 4) Textbooks, reference books and pamphlets relating to the proper operation of motor vehicles and traffic laws;
 - 5) Adequate fire extinguishers in operable condition as required pursuant to Section 6-406(c) of the Illinois Drivers Licensing Law of the Illinois Vehicle Code.
- f) Each main classroom or branch classroom shall have:
- 1) a minimum of 300 square feet of classroom space and the main classroom shall be within close proximity of the main office

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- facility;
- 2) Installed a heating and ventilating system adequate to maintain a comfortable room temperature for the occupants;
 - 3) Installed an adequate lighting system so as to provide sufficient lighting for the occupants.
- g) A driver training school which has an established place of business and a main classroom facility may operate a branch classroom, provided it meets all requirements of the main classroom.
- 1) Upon receipt by the Department of a written request to open a branch classroom or branch office, an authorized representative of the Department shall inspect the branch office or branch classroom, and if it complies with the provisions of Section 6-406(e) of the Illinois Driver Licensing Law of the Illinois Vehicle Code and this part, the Department shall issue the appropriate license which must be displayed in a visibly prominent place in the branch facility.
 - 2) When a branch facility is to be closed, the driver training school shall return the branch facility's license to the Secretary of State in a timely manner.

(Source: Amended at 24 Ill. Reg. 15448, effective 11/15/2000)

Section 1060.110 Safety Inspection of Driver Training School Motor Vehicles

- a) All motor vehicles used by any driver training school or driver training instructor for driving instruction or driver training purposes shall be safety inspected by the Illinois Department of Transportation. Evidence of such inspection must accompany the initial or renewal driver training school application. Any new vehicle purchased after the issuance of a school license shall be so inspected for safety and such evidence of inspection must be delivered to the Department.
- b) Motor vehicles which have passed safety inspection will be issued a safety inspection sticker, which identifies the year in which the sticker is valid. The safety inspection stickers shall not be removed unless the term of validity has expired or the motor vehicle ceases to be used for driver training instruction or driver training purposes by the driver training school identified on the sticker.
- c) It shall be the responsibility of the driver training school to remove and destroy the safety inspection sticker when the term of its validity has expired or the motor vehicle ceases to be used by the driver training school for driver training instruction or driver training purposes.
- d) No motor vehicle may be used for driver training unless:
 - 1) It is equipped with a dual braking device which will enable an accompanying instructor to bring the car under control in case of an emergency as required pursuant to Section 6-410(b) of the

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- Illinois Driver Licensing Law of the Illinois Vehicle Code.
- Commercial motor vehicles are exempt from this requirement:
- 2) If equipped with a standard transmission, it is equipped with at least a dual clutch and braking device which will enable an accompanying instructor to bring the car under control in case of an emergency. Commercial motor vehicles are exempt from this requirement;
 - 3) It is equipped with a driver and passenger sideview mirror as required pursuant to Section 6-410(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (625 ILCS 5/6-410(b));
 - 4) It is owned or leased in the name of a driver training school licensed by the Department or school owner indicated on the license, and registered by the Secretary of State's State Vehicle Services Department pursuant to Statute and these Rules or is leased by a driver training school and a lease agreement is submitted to the Department signed by the lessor and lessee. The lease agreement shall contain the make, year, and vehicle identification number of the vehicle. It shall also contain the names and addresses of the lessor and lessee;
 - 5) It is in safe operating condition that includes, but is not limited to, operating and undamaged doors, mirrors, windshield, exhaust system, headlights, turn signals, seat belts, brakes and tires;
 - 6) It is listed in the driver training school license application or supplemental application or schedule on file with the Department;
 - 7) It is properly identified as a driver training motor vehicle by equipping the motor vehicle with a sign or signs visible from the front and the rear in letters no less than 2 inches tall, listing the full name of the driver training school that which has registered and insured the motor vehicle pursuant to Section 6-410(c) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (625 ILCS 5/6-410(c));
 - 8) Current and valid registration on the vehicle used for driver training must be retained in the vehicle;
 - 9) It displays a current and valid safety inspection certificate sticker.
- e) The Department shall not issue an insurance certificate sticker until the school has provided to the Department a vehicle Fleet Schedule which lists the vehicle(s) used by the school and which is signed by an authorized representative of the Illinois Department of Transportation.
 - f) The insurance certificate sticker shall be firmly attached to the lower right portion of the front windshield of the vehicle and shall not be removed until the term of validity has expired or the motor vehicle ceases to be used for driver training instruction or driver training purposes by the driver training school identified on the sticker.

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(Source: Amended at 24 Ill. Reg. 15443, effective 15443)

Section 1060.180 Teen Accreditation

- a) Accreditation of the School -- Each commercial driver training school that which desires to offer instruction to those under the age of 18 must be accredited by the Secretary of State through the Department of Driver Services before such instruction can be offered or advertised.
 - 1) Upon receipt of proper application for accreditation, the Secretary of State will investigate the school and verify the application. A Secretary of State employee shall contact the school and make an appointment to visit the school's facilities. At the time of the visit, the Secretary of State employee shall verify that the school meets the standards set forth for commercial driving schools in Section 6-401 of the Illinois Vehicle Code [625 ILCS 5/6-401]. In addition, the school shall meet the standards for commercial driver school teen accreditation that are set forth in Section 1060.180(b) through (f) of this Part. These standards shall be furnished to the school by the Secretary of State before the visit if the school requests them. If all qualifications and standards are met, the school shall be certified to offer instruction to students under the age of 18.
 - 2) The accreditation of each school is renewable upon the expiration date of the school license provided all qualifications and standards are met and provided the school has been in compliance with all rules.
 - 3) Only qualified teaching personnel may teach persons under age 18. Exception: In event of an emergency situation wherein the only available teacher terminates his or her employment, or must take a leave of absence, while a course remains incomplete, other licensed instructors may take over and complete the course. No new courses may be started before properly qualified teaching personnel are again available. In all such cases the Department must be given prior approval. Approval shall not be given until the Department has checked the roster of instructors at the school and determined that no other teacher licensed by the Secretary of State to teach students under 18 is available at the school.
 - b) Required Facilities -- All teen accredited driver training schools must provide all classroom and vehicle facilities and equipment as prescribed in the driving school laws and regulations as administered by the Secretary of State. Those who desire to provide instruction for persons under the age of 18 must comply with Section 1060.50 of this Part. Schools in operation at the time that this Part becomes effective may continue to use their present classroom facilities as long as they continue to occupy them.

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- 1) Required Course of Instruction
 - A) One copy of an outline covering the topics to be taught in the classroom phase of instruction, and 1 copy of an outline of the behind-the-wheel phase of instruction constructed along the lines of the recommended "Illinois Driver Education Curriculum." Said outlines must meet the approval of the Director of the Department.
 - f) Accredited teen driver training schools must follow the approved classroom and behind-the-wheel course outlines that are submitted to the Director of the Department at the time of application for certification. The Department shall determine compliance with this provision by unannounced inspections of teen classes and records. At least one such inspection shall take place every 2 months.
 - g) If such classroom or behind-the-wheel outlines are substantially changed, revised outlines must be submitted in duplicate to the Director of the Department for approval. A letter shall be sent to the driver training school informing them if their classroom or behind-the-wheel outline has been approved.
 - B) Instructional materials shall be available and shall include one of the following: a 16 mm sound projector and screen, video equipment with films processed on video tape, a film strip or slide projector and films which correspond with the outline described in subsection paragraph (b)(2)(A) of this Section.
 - C) A professional library containing an assortment of reference and textbooks, pamphlets and other publications which is available for the use of students or teachers.
 - c) Teacher Qualifications
 - 1) Classroom Teacher Qualifications -- Each teen accredited driver training school must have at least one classroom instructor employed who meets the standards of Section 6-411 of the Illinois Vehicle Code [625 ILCS 5/6-411], pertaining to classroom instructors who teach approved driver education courses to students under 18 years of age.
 - A) A classroom driver training instructor teaching the teen accredited program must comply with Sections 1060.120 and 1060.130 of this Part.
 - B) The instructor must possess good physical, mental health. An application/physical exam form will be provided by the Secretary of State which must be completed by the instructor and a physician.
 - C) The instructor must qualify under one of the following requirements:
 - f) Be a certified teacher meeting the requirements of 23

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- Ill. Adm. Code 252.40(b)(3), (Minor -- 16 semester hours)
- (i) Hold a baccalaureate degree, have 1 year of teaching experience in primary, secondary or higher education and complete a 48 hour course approved by the Director of the Department.
- (iii) Complete the 48 hour course (a course, at least 48 hours in length designed to provide individuals with the knowledge, methods and procedures specific to conducting driver education instructional courses, that has been approved by the Department Director) or an equivalent college or university course approved by the Director of the Department and provide written documentation verifying they have had 2 months of experience teaching behind-the-wheel to adults.
- (iv) Hold a valid State teaching certificate and complete a 48 hour behind-the-wheel and classroom course approved by the Director of Driver Services.
- 2) Behind-the-wheel Teacher Qualifications -- Behind-the-wheel teachers of driving shall be those who have passed an objective type written examination based upon current textbooks and the Motor Vehicle Code; a practical test regarding their ability to drive and to instruct others; and investigation of their moral character and driving record as required in Section 6-41(a) through (f) of the Illinois Vehicle Code [625 ILCS 5/6-41(a) through (f)] and supplementary regulations.
- A) A driver training instructor teaching the teen accredited behind-the-wheel program must comply with Sections 1060.120 and 1060.130 of this Part.
- B) The instructor must possess good physical and mental health. An application/physical exam form will be provided by the Secretary of State which must be completed by the instructor and a physician.
- C) The instructor must qualify under one of the following requirements:
- (i) Be a certified teacher meeting the requirements of 23 Ill. Adm. Code 252.40(b)(3).
- (ii) Hold a baccalaureate degree and have 6 months of experience in teaching behind-the-wheel to adults.
- (iii) Have 7 years of uninterrupted teaching experience in a commercial driver training school.
- (iv) Be licensed by the Secretary of State, complete the 48 hour course or an equivalent college or university course approved by the Director of Driver Services, and provide written documentation verifying they have had 2 months of experience teaching behind-the-wheel to adults.
- v) Hold a valid State teaching certificate and complete a

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- 48 hour course approved by the Director of Driver Services.
- 3) Classroom and/or behind-the-wheel driver education teachers are to be assigned not more than 12 clock hours of instructional work daily. No teen instruction, classroom or behind-the-wheel can take place between the hours of 10:00 p.m. and 6:00 a.m.
- d) Student Qualifications
- 1) A driver training school or driver training instructor licensed by the Secretary of State shall comply with all of the requirements of Section 6-408.5 of the Illinois Vehicle Code [625 ILCS 5/6-408.5] prior to requesting a certificate of completion from the Secretary of State.
- 2) A superintendent or chief school administrator may waive the requirements contained within Section 6-408.5 of the Illinois Vehicle Code if he/she deems it to be in the best interests of the student or dropout. The State Board of Education may, at their discretion, by rule or regulation, establish guidelines for the waiver of the requirements of Section 6-408.5 of the Illinois Vehicle Code [625 ILCS 5/6-408.5].
- 3) Prior to a driver training school or driver training school instructor requesting a certificate of completion for a student, the driver training school or driver training instructor must verify that the student is enrolled in school and has received a passing grade in at least 8 courses during the 2 semesters. Verification of a student's eligibility to obtain a certificate of completion from the Secretary of State shall be by one of the following methods:
- A) Obtain written documentation on a form prepared or approved by the Secretary of State stating the student has received a passing grade in at least 8 courses during the previous 2 semesters;
- B) Obtain written waiver from a superintendent or school administrator on a form prepared or approved by the Secretary of State;
- C) Obtain written verification on a form prepared or approved by the Secretary of State stating the student is enrolled in a home school;
- D) Obtain copies of the student's report card and/or transcript for the previous 2 semesters indicating a passing grade in at least 8 courses during the previous 2 semesters.
- 4) Verification of eligibility for any person who has dropped out of school and has not yet attained the age of 18 years shall be by one of the following methods:
- A) Obtain written documentation verifying the dropout's enrollment in GED or an alternative education program or obtain a copy of the dropout's GED certificate;
- B) Obtain written verification that the student prior to dropping out had received a passing grade in at least 8

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courses during the 2 previous semesters last ending prior to requesting a certificate of completion; or

C) obtain written consent on a form prepared or approved by the Secretary of State from the dropout's parents or guardian and the regional superintendent.

5) Students enrolled in a driver training school shall be informed in writing of the eligibility requirements of Section 6-408.5 of the Illinois Vehicle Code at the time of registration which shall be documented in the student's file.

6) The driver training school and/or driver training school instructor shall maintain a copy and make available for inspection all written documentation required by this Section.

e) Classroom instruction -- for persons under age 18 years

1) No classroom instruction shall be provided to any person who is enrolled as a student in any public or non-public secondary school unless the restrictions contained in Section 6-408.5 of the Illinois Vehicle Code [625 ICS 5/6-408.5] are complied with.

2) Classroom instruction shall include not less than 30 class hours. Instructional periods are to be no longer than 2 hours daily with meetings distributed regularly throughout the minimum of four complete weeks. The maximum number of students cannot exceed 30 per class for classroom instruction unless the size of the classroom exceeds 350 square feet, then a maximum of 35 students shall be allowed.

3) Classroom instruction shall include subject matter relating to the rules of the road, safe driving practices, pedestrian safety, driver responsibility, theory of driving, defensive driving techniques, behavioral characteristics of drivers, auto insurance and financial responsibility, development of perception for driving, emergency situation procedures, the use of automobile safety devices, and the effects of alcohol and/or other drugs on driving.

4) Each classroom course must have a definite starting date and completion date. Late registrations shall not be accepted beyond the third day of the course, at which time the course must be closed to further enrollments.

5) Late registrants and absentees shall be given make-up instruction, assignments. No school shall permit the student to be absent from more than 4 class sessions without requiring the student to re-enroll in a later course and to start over.

6) The teaching facilities must provide adequate, comfortable seating for students. Lighting must be adequate and the maintenance (housekeeping) of the room orderly.

7) A textbook on driver education must be in the possession of each student for the duration of the course, to be used as a regular part of the course content, and consistent with the recommended course outline.

8) Audio-visual materials shall be used as a supplement to the

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teacher's presentation but not as a replacement. Reference materials are to be available to the students and their use assured by assignments. All assignments are to be made in advance of due dates and should include outside reading as well as preparation for testing.

9) A regular schedule of classroom testing shall be followed. Student progress in acquaintance with information, data, and knowledge is to be periodically evaluated. Criteria for passing or failing the course must be evident to the students and successful completion clearly defined.

10) Each student shall be informed prior to the time instruction begins of the character and amount of any and all fees or charges made for enrollments or registration, tuition, use of equipment, text and reference materials, supplies, and any service, equipment, or materials provided by the commercial driving school.

11) Instruction for each student in the class shall begin on the date and location designated by advertisement and continue throughout the designated period unless the course is cancelled and the student is refunded any fees already paid.

12) A listing of students enrolled in the classroom shall be sent to the Department of Driver Services Blue Slip Unit within 3 days after the third day of classroom instruction on forms provided by the Secretary of State. A certificate will not be issued to anyone whose name has not been submitted on this form signed by an authorized official of the school.

f) Laboratory instruction -- for persons under age 18 years.

1) Laboratory instruction shall not begin until such time as the student is enrolled in a classroom program of driver education and possesses the basic information required for safe operation of a vehicle in traffic. At least 4 hours of classroom instruction must be given before behind-the-wheel lessons are started.

2) Each student must have in his or her possession when engaged in vehicle operation a valid instruction permit issued by the Secretary of State.

3) Not less than two nor more than four students are to occupy the car with an instructor when instruction is in progress. Student driving experiences shall be for periods of not more than 90 minutes for each student per session. The accumulation of 6 hours of practice driving shall be distributed regularly throughout a minimum of two complete weeks. Although observation time in the car may not be counted as practice driving, a minimum of 6 hours is required. The only exception shall be when a parent requests that observers be excluded because the student is disturbed by having an observer in the car.

4) Each student shall receive a minimum of 6 full hours of behind-the-wheel instruction. There can be no allowance for any

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and Section 6-410 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-410] relating to the inspection and requirements of a driver training school's motor vehicles;

- 4) failure of school to own or lease a vehicle;
- 5) failure to pay the fees required by Section 6-402 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-402];
- 6) for a violation of Section 1060.20(a)(2) of this Part relating to the employment of a licensed driver training instructor;
- 7) for any violation of the requirements of Section 1060.30 of this Part relating to driver training school names and business organizational status;
- 8) for any violation of the requirements of the Business Corporation Act of 1983 [805 ILCS 5];
- 9) for a violation of the requirements of a vehicle used for instruction to have a safety inspection sticker as required by Section 1060.110 of this Part and Section 6-410 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-410];
- 10) for a violation of the requirement of a vehicle used for instruction to have a current and valid registration on the vehicle used for driver training that is retained in the vehicle as required by Section 1060.110(d)(9) of this Part.

b) A commercial driver training school's license shall be immediately canceled:

- 1) for a violation of the requirements of Section 6-402(e) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-402(e)];
- 2) for a violation of the requirements of Section 6-402(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-402(d)];
- 3) for a violation of the requirements of Section 1060.90 of this Part.

c) If a branch license is canceled because the branch facility does not meet the standards found in Section 1060.50 of this Part, the school's license shall not be canceled but the branch shall remain closed until the branch facility comes into compliance.

d) In order to be eligible to be reinstated following cancellation, the school shall reapply for a license, pay the required application fee of \$250 for a school as required by Section 6-402(i) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-402(i)] and demonstrate compliance with the provisions of this Part for which the cancellation was issued (e.g., proof of insurance).

e) The Secretary of State shall cancel a commercial driver training school instructor's license for failing to correct after being served written notice, giving five business days to correct, any violation of Section 6-418 of the Illinois Driver Licensing Law of the Illinois

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absences without actual make-up time spent behind-the-wheel. Satisfactory completion denotes that each student has the competencies to be certified by the school for issuance of a certificate.

- 5) Lesson time or practice driving time may not be used to call for, deliver or dismiss other students to their homes or pick up points.
- 6) Practice driving instruction shall include actual experience in starting, stopping, shifting, turning, backing, parking, steering, and emergency situation procedure in a vehicle equipped according to Section 6-410 of the Illinois Vehicle Code [625 ILCS 5/6-410].

9) Records

1) Records shall be maintained by schools which substantiate daily attendance, lesson time, and periodic evaluation of each student. Also recorded shall be the beginning and ending dates of classroom as well as laboratory instruction. Students are to be identified by their social security numbers as well as by name, address and other personal information. Such records are to be on file in the office of the management for a period of 3 years.

2) A Secretary of State form shall be used for submitting the names of those students who have satisfactorily fulfilled the requirements of the complete course in driver education and who qualify for a certificate. The form shall be signed by an authorized official of the school.

(Source: Amended at 24 Ill. Reg. 15443, effective 03/15/2001)

Section 1060.190 Denial, Cancellation, Suspension, And Revocation Of Commercial Driver Training School's License And Instructor's License

a) The Secretary of State shall deny or cancel a commercial driver training school license for failing to correct after being served written notice, giving five business days to correct any violation of the following regulations and laws governing commercial driver training schools:

- 1) a violation of any requirements in Sections 1060.50 of this Part and Sections 6-403, 6-404, 6-405, 6-406, and 6-407 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-403, 6-404, 6-405, 6-406, and 6-407] relating to the physical facilities of the school;
- 2) a violation of any requirements in Sections 1060.60 and 1060.200(e)(1) of this Part and Sections 6-408 and 6-408.5 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-408 and 6-408.5] relating to the maintenance of driver training school records;
- 3) a violation of any requirements in Section 1060.110 of this Part

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f) A commercial driver training school instructor's license shall be immediately canceled:

- 1) upon notification to the Commercial Driver Training Section that the instructor is no longer employed by the school or no longer has a valid driver's license;
- 2) for failure to produce records after a written warning and demand to produce the records within 5 business days.
- g) In order to be eligible to be reinstated following cancellation, the instructor shall reapply for a license; pay the required fee of \$35 for an instructor as required by Section 6-411(g) of the Illinois Vehicle Code [625 ILCS 5/6-411(g)]; and demonstrate compliance with the provisions of this Part for which cancellation was issued (e.g., proof of insurance).

h) The Secretary of State shall suspend a commercial driver training school license up to 1 year depending on the severity of the violation if the school violates any of the following regulations and laws governing commercial driver training schools:

- 1) for any violation of this Part;
- 2) for any violation of Section 6-407, 6-408, 6-408.5 or 6-409 of the Illinois Vehicle Code [625 ILCS 5/6-407, 6-408, 6-408.5 or 6-409];
- 3) if a school accredited to teach teens pursuant to Section 1060.180 of this Part fails to keep records on teenage clients as required in Section 1060.180(g), the school shall have its teen accreditation as found in Section 1060.180(a) suspended, but not their school license;
- 4) if a school accredited to teach teens pursuant to Section 1060.180 of this Part violates any of the provisions in Section 1060.180(d), the school shall have its teen accreditation as found in Section 1060.180(a) suspended, but not its school license.

i) A school which wishes to have a license reinstated following suspension shall reapply and pay the application fee of \$250 as required by Section 6-402(i) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-402(i)].

j) The Secretary of State shall suspend a commercial driver training school instructor's license up to 1 year depending upon the severity of the infraction for any violation of this Part.

k) An instructor who wishes to have a license reinstated following suspension shall reapply and pay \$35 required by Section 6-411(g) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-411(g)].

l) The Secretary of State shall revoke a commercial driver training school license for any of the following reasons:

- 1) if the school engages in or permits any type of fraudulent activity, either with reference to a student or the Secretary of State;

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- 2) for selling, assigning, bartering, or trading any school or instructor license issued by the Secretary of State;
- 3) for remaining in operation if the school's license has been suspended, canceled, revoked, or not renewed;
- 4) for having unauthorized possession of application forms or questionnaires used by the Driver Services Department of the Secretary of State's Office in conjunction with administering driver's license examinations;

5) for making a false statement or knowingly concealing a material fact in the application for a school license;

6) for a subsequent violation of Section 6-407 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-407];

7) for repeated violations of this Part or Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. IV];

8) a violation of Section 11-501 of the Illinois Vehicle Code [625 ILCS 5/11-501] relating to driving under the influence of drugs and/or alcohol;

9) if the owner(s) of the commercial driver training school has received a suspension of driving privileges under Section 11-501.1 of the Illinois Vehicle Code [625 ILCS 5/11-501.1] that has terminated within the last 10 years prior to the date of application.

m) A revocation shall be for an indefinite period. After 1 year the school may apply for reinstatement by requesting a formal administrative hearing as found in 92 Ill. Adm. Code 1001.Subpart A.

n) The Secretary of State shall revoke a commercial driver training school instructor's license if the instructor violates any of the following regulations and laws governing commercial driver training schools:

- 1) if he/she is convicted of the following:

A) a violation of Section 11-501 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-501] relating to driving under the influence of drugs and/or alcohol;

B) a violation of Section 11-503 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-503].

C) a violation of Section 9-3 of the Criminal Code of 1961 [720 ILCS 5/9-3] relating to reckless homicide.

D) a violation of Section 11-401 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-401].

E) any sex or drug related offense.

2) If he/she engages or permits any type of fraudulent activity either with reference to a student or the Secretary of State.

3) A violation of Section 6-420(5) of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/6-420(5)].

4) If he/she knowingly aids or assists an applicant in obtaining a

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- driver's license by fraudulent procedure.
- 5) If he/she has in possession unauthorized application forms or questionnaires used by the Driver Services Department in conjunction with administering driver's license examinations.
 - 6) For repeated violations of this Part or Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. IV].
 - 7) If he/she has received a suspension of driving privileges under Section 11-501.1 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-501.1], which has terminated within the last 10 years prior to the date of application.
 - 8) A revocation of an instructor's license shall be for an indefinite period of time. After 1 year, the instructor may apply for reinstatement by requesting a formal administrative hearing as found in 92 Ill. Adm. Code 1001-Subpart A.
 - 9) An owner's or instructor's license shall be immediately canceled for lack of good moral character. In making a determination of good moral character, the Department is not limited to, but may consider, the following:
 - 1) If the owner or instructor has been convicted of a felony:
 - A) The relationship of any crime of which the person has been convicted to the ability to operate a driver training school; or
 - B) Opinions of the community members concerning the owner or instructor; or
 - C) The length of time that has elapsed since the owner's or instructor's last criminal conviction.
 - 2) If the owner or instructor has been indicted, formally charged, or otherwise charged with a felony:
 - A) If the owner or instructor whose commercial driver training school or instructor license has been canceled under this Section is adjudicated "guilty" by the court systems, the cancellation previously entered on his/her record in accordance with this Section shall stand. This action does not preclude further suspension and/or revocation of the commercial driver training school or instructor license under another Section of the Illinois Vehicle Code.
 - B) If the owner or instructor whose commercial driver training school or instructor license has been canceled under this Section is adjudicated "not guilty" by the court systems, the cancellation previously entered on the license in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of the commercial driver training school or instructor license under another Section of the Illinois Vehicle Code.
 - C) If the owner or instructor whose commercial driver training school or instructor license has been canceled under this

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- Section is granted a disposition of "court supervision" by the court system, the cancellation previously entered in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of the commercial driver training school license under another Section of the Illinois Vehicle Code.
- 3) An individual whose commercial driver training school or instructor license has been canceled pursuant to this Part may request an administrative hearing pursuant to 92 Ill. Adm. Code 1001.
 - A) An owner's or instructor's license shall be revoked for lack of good moral character--in making a determination of good--moral--character the Department is not limited to--but may consider the following:
 - 1) If the owner or instructor has been convicted of a crime; or
 - 2) The relationship of--any--crime--convicted of--to the ability to operate a driver training school; or
 - 3) Opinions of--the--community--members--concerning--the--owner--or--instructor; or
 - 4) The length of time that has elapsed--since--the--owner's--or--instructor's last criminal conviction; or
 - 5) If the owner or instructor has been convicted with an offense and the Secretary of State has received sufficient evidence that the owner or instructor has been convicted of an offense in regard to a student or the Secretary of State.
 - A) In determining whether action should be taken--there must be sufficient evidence--that--the owner--or--instructor--has committed an offense--in regard to a student--or--the Secretary of State--sufficient evidence--shall be defined as--but not limited to:
 - 1) Copies of court documents showing the conviction of an owner or instructor of an offense in regard to a student or the Secretary of State.
 - 2) Affidavits of eyewitnesses or others with first-hand knowledge--concerning--the--matters--which--indicate offenses--in regard to students--or--the--Secretary--of--State.
 - 3) If other competent evidence--including--but--not--limited--to--police--reports--transcripts--of preliminary hearings--or--grand jury proceedings--and other documents deemed important and probative by the State's Attorney.
 - B) If sufficient evidence is received from the State's Attorney and indicates that a person has committed an offense in regard to a student or Secretary of State--and--that--these offenses--currently--awaiting court disposition--involved a student or Secretary of State, the owner's--or--instructor's license--shall be revoked.
 - C) If the owner or instructor whose commercial driver training

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school--license--has--been--revoked--under--this--Section--is adjudicated--guilty--by--the--court--systems--the--revocation previously--entered--on--his/her--record--in--accordance--with--this Section--shall--stand--this--action--does--not--preclude--further suspension--and/or--revocation--of--their--commercial--driver training--school--license--under--another--Section--of--the Illinois--Vehicle--Code

B) If the owner or instructor whose commercial driver training school license has been revoked under this Section is adjudicated "not guilty" by the court system, the revocation previously entered on their license in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of their commercial driver training school license under another Section of the Illinois Vehicle Code

B) If the individual whose commercial driver training school license has been revoked under this Section is granted a disposition of "court supervision" by the court system, the revocation previously entered in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of their commercial driver training school license under another Section of the Illinois Vehicle Code

F) If the charges against the owner or instructor whose commercial driver training school license has been revoked under this Section are reduced or altered in any manner such that the offenses for which the owner or instructor is convicted is not an offense in regard to a student or Secretary of State, the revocation previously entered in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of their commercial driver training school license under another Section of the Illinois Vehicle Code

G) An individual whose commercial driver training school license has been revoked pursuant to this Part may request an administrative hearing pursuant to 92 Ill. Adm. Code 1001.

q) The Secretary of State shall have the discretionary authority to issue warning letters to commercial driver training schools or instructors for violations of the regulations and laws governing commercial driver training schools as found in this Part and Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code, prior to the cancellation, suspension, or revocation of the school's or instructor's license.

r) Prior to the cancellation, suspension, or revocation of a school's or instructor's license, the Secretary may schedule a conference with the individual whose commercial license has been found to be in violation and administrative consultation will occur at this time. If the

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violation(s) are not corrected within a reasonable time, the Administrator shall take corrective measures upon the issuance of an "Advisory Letter for Correction" to the individual and/or school. If the violations are not corrected a warning letter shall be issued and the disciplinary process will begin pursuant to the regulations and laws governing commercial driving schools as found in this Part and Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code.

(Source: Amended at 24 Ill. Reg. 1544.3, effective 01/15/2000)

Section 1060.200 Commercial Driver's License and Endorsement Accreditation

a) Accreditation of the Program - Each commercial driver training school that which desires to offer instruction to those individuals who wish to obtain a CDL and/or endorsement and/or restriction must be accredited by the Secretary of State through the Department of Driver Services before such instruction can be offered or advertised.

1) Upon receipt of proper application for accreditation, the Secretary of State shall investigate the program and verify the information contained in the application. A Secretary of State employee shall contact the applicant and make an appointment to inspect the school's facilities. At the time of inspection, the Secretary of State employee shall verify that the school meets the standards for CDL accreditation set forth in subsections (b) through (f) of this Section in addition to all other applicable subsections within this Part. These standards shall be furnished to the school by the Secretary of State before the visit if the school requests them. If all qualifications and standards are met, the school shall be accredited to offer instruction on how to operate a vehicle with CDL and/or endorsement and/or restriction classification.

2) The CDL and/or endorsement and/or restriction accreditation is renewable on January 1 of each year, provided the school is in compliance with this Part.

3) Only qualified teaching personnel who already possess a CDL and/or endorsement and/or restriction classification for the equivalent classification until April 17, 1992 may teach the driver portion of instruction.

b) Required facilities - All CDL and endorsement accredited schools must provide all classroom and vehicle facilities and equipment as prescribed in Article IV of the Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. IV] and Section 1060.50 of this Part. Those who desire to provide instruction to person(s) who wish to obtain a CDL and/or endorsement and/or restriction classified license must additionally provide a vehicle training area, owned or leased by the school, with sufficient space to properly accommodate the number

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composed of observation of the practice range and over-the-road training.
Remedial Training, 78 hours of additional classroom training, observation, and practice range/over-the-road training based on each CDL student's specific needs.

The training schedule outlined above must follow the Illinois Occupational Skill Standards, Entry-Level Truck Driver Manual endorsed for Illinois by the Illinois Occupational Skill Standards and Credentialing Council. This Manual is available from the Secretary of State Driver Facility, Ropello Drive, Elk Grove Village IL 60007.

CD) Instructional materials shall be available and shall include at least one of the following: a 16 mm sound projector and screen, video equipment with films processed on video tape, a film or films.

DE) A professional library containing an assortment of reference and textbooks, pamphlets, and other publications including but not limited to the CDL Study Guide, which are available for the use of students and teachers.

EP) A brush-up course of instruction may be offered to individuals who currently hold or have held a CDL or its equivalent. The school must maintain records that verify students qualify for a brush-up course. This course may be offered on an hourly basis. No brush-up course may be offered to any individual who has never held a CDL or its equivalent. A brush-up course of instruction may be offered to individuals who currently hold or have held a CDL and/or endorsement and/or restriction license. This course may be offered on an hourly basis. No brush-up course may be offered to any individual who has never held a CDL and/or endorsement and/or restriction classified license.

EP) Classroom instruction - CDL and/or endorsement
i) Each classroom course must have a definite starting date and completion date. A listing of students enrolled in each course shall be sent to the Secretary of State, within 3 days after the third day of classroom instruction, on forms provided by the Secretary of State.

ii) Classroom instruction shall include subject matter relating to the rules of the road as contained in the CDL Study Guide, safe driving practices, pedestrian safety, defensive driving techniques, behavioral characteristics of drivers, federal regulations relating to the Department of Transportation and CDL standards (49 CFR 383), vehicle insurance, the use of safety devices, and the effects of alcohol and drugs

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of vehicles the school has in operation and appropriate off-street maneuvers. Schools in operation at the time that this rule becomes effective may continue to use their present classroom facilities as long as they continue to occupy them.

1) Required course of instruction:

A) CDL accredited driving schools must administer driving instruction that corresponds to a curriculum that will be provided to the school by the Secretary of State. Each CDL accredited driving school must provide the minimum of 160 hours of instruction in not less than a 4 week period to each student as indicated in the curriculum.

A) One copy of an outline covering the topics to be taught in the classroom phase of instruction, and two (2) copies of an outline of the behind-the-wheel phase of instruction constructed along the lines of the requirements contained in 49-CCR-303.110-121; if said outlines are constructed along the lines of the requirements contained in 49-CCR-303.110-121, they shall be approved by the Director of the Department.

i) Driving schools must follow the approved CDL classroom and behind-the-wheel course outlines that are submitted to the Director of the Department at the time of application for accreditation. The Department shall determine compliance with this provision by unannounced inspections of classes and student records. At least one inspection shall take place each month.

ii) Revised outlines must be submitted to the Director of the Department for approval pursuant to subsection (b)(1)(A). A letter shall be sent to the driver training school informing them if their CDL classroom or behind-the-wheel outline has been approved.

B) The following curriculum must be offered to each first time CDL student in a minimum of 4 weeks. Each student must receive 160 hours of CDL instruction allocated as follows:

i) Classroom. 40 hours of classroom instruction; this includes, but is not limited to, preparation for the Secretary of State's written examinations and all chapters of this curriculum.

ii) Range. 16 hours of training yard behind-the-wheel instruction. This requires one on one instruction with a properly licensed CDL instructor and vehicle on an approved training lot.

iii) Over the Road. 16 hours of behind-the-wheel instruction on public streets and highways. This requires one on one instruction with a properly licensed CDL instructor and vehicle.

iv) Observation. 10 hours of observation experience

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on driving.

iii) Practice driving instruction must comply with the curriculum provided by the Office of the Secretary of State. ~~A CBP Study Guide must be in the possession of each student for the duration of the course, to be used as a regular part of the course content, and consistent with the approved course outline.~~

iv) Audio-visual materials shall be used as a supplement to the teacher's presentation, but not as a replacement. Reference materials are to be available to the students and their use assured by assignments. All assignments are to be made in advance of due dates and shall include outside reading as well as preparation for testing.

v) A regular schedule of classroom testing shall be followed. Student progress is to be periodically evaluated. Criteria for passing or failing the course shall be evident to the student, and successful completion clearly defined.

vi) Each student shall be informed, prior to the time instruction begins, of the amount of any and all fees or charges made for enrollment or registration, tuition, use of equipment, or materials provided by the CDL and/or endorsement and/or restriction accredited driver training program.

vii) Instruction of each student in the class shall begin on the date and location designated by advertisement and continue throughout the designed period, unless the course is cancelled and the student is refunded any fees already paid.

GP) Laboratory Instruction - For persons taking instruction for CDL and/or endorsement and/or restriction classification.

i) Behind-the-wheel instruction shall not begin until such time as the student is enrolled in a classroom program of CDL and/or endorsement and/or restriction classification driver training and obtains the required knowledge for the safe operation of a vehicle in traffic as provided in 49 CFR 383.110-121.

ii) Each student must have in his/her possession when engaged in vehicle operation a valid and properly classified instruction permit issued by the Secretary of State, unless previously licensed in a classification representative of the vehicle he/she intends to drive.

iii) Practice driving instruction shall include but not be limited to pre-trip inspection, actual experience in starting, stopping, shifting, turning, backing, docking, parking, steering, and emergency situation

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procedures.

iv) Behind-the-wheel instruction for "A" classification must be given in a representative power unit with a multi-range transmission with no fewer than 9 forward gears and a representative trailer at least 48 feet long with a tandem axle.

2) Student ratio per course

A) The total number of students enrolled in each CDL accredited course in any 30 day period shall not exceed 4 students per each currently licensed instructor.

B) The total number of students enrolled in each CDL accredited course in any 30 day period shall not exceed 6 students for each currently registered CDL vehicle.

c) Classroom teacher qualifications

1) Each CDL and/or endorsement and/or restriction accredited driver training school must have at least one classroom instructor employed by the school, who meets the standards of Section 6-411 of the Illinois Vehicle Code [625 ILCS 5/6-411].

2) Required classroom teacher qualifications:

A) A driver training instructor teaching the classroom portion of a CDL and/or endorsement and/or restriction accredited course must comply with Sections 1060.120 and 1060.130 Sections 1060-150 and 1060-160 of this Part.

B) The instructor must possess good physical and mental health as determined by a physician. An application/physical examination form shall be provided by the Secretary of State which shall be completed by the instructor and a physician.

C) A classroom instructor must pass an objective type instructor written examination based upon the Illinois Vehicle Code, commercial school rules and regulations, and the Commercial Motor Vehicle Safety Act of 1986 (49 USC 8-8-67 2704). The written examination shall consist of 125 questions (90 multiple choice and 35 true/false) and the instructor must correctly answer 106 questions to pass.

d) CDL and/or endorsement and/or restriction behind-the-wheel teacher qualifications

1) Each CDL and/or endorsement and/or restriction accredited driver training school must have at least one behind-the-wheel instructor employed by the school, who meets the standards of Section 6-411 of the Illinois Vehicle Code [625 ILCS 5/6-411].

2) Required behind-the-wheel teacher qualifications:

A) A driver training instructor teaching the behind-the-wheel portion of a CDL and/or endorsement and/or restriction accredited course must comply with the provisions of Sections 1060.120 and 1060.130 of this Part and be licensed in a classification representative of the vehicle in which he intends to teach for at least 3 consecutive years immediately prior to application (a 1 month lapse in renewal

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- will not negate the 3 consecutive years requirement).
- B) The instructor must possess good physical and mental health as determined by a physician. An application/physical examination form shall be provided by the Secretary of State which shall be completed by the instructor and a physician.
- C) The instructor shall give instruction only in the classification and/or endorsement and/or restriction in which he/she is licensed.

D) A behind-the-wheel instructor must pass an objective type instructor written examination based upon the Illinois Vehicle Code, commercial school rules and regulations, and the Commercial Motor Vehicle Safety Act of 1986 (49 USC 505-5e- 2704) as provided for in subsection (c)(1)(42)(c) of this Section. In addition, a behind-the-wheel instructor must pass a practical test regarding his/her ability to drive a vehicle of CDL and/or endorsement and/or restriction classification (92 Ill. Adm. Code 1030.85).

e) Student Instruction Records

- 1) Records shall be maintained by schools which document daily attendance, lesson time, and periodic evaluation of each student. Also recorded shall be the dates of classroom instruction, behind-the-wheel instruction and observation time. ~~Also recorded shall be the beginning and ending dates of the classroom as well as behind the wheel instruction.~~ Students are to be identified by their social security numbers as well as by name, address, and other personal information. A driver license number also must be entered on the student record. Such records are to be on file in the office of the management for a period of ~~three~~ 3 years.
- 2) The driver school with a CDL and/or endorsement and/or restriction accreditation must meet all requirements of Section 1060.60 of this Part.
- 3) The school and each student must maintain separate but identical logs of the student's behind-the-wheel instruction and observation time. The logs must include the dates of instruction, type of instruction, student/instructor signatures and odometer readings of the vehicles used for instruction.
- 4) A Secretary of State form shall be used for submitting names of those students who have satisfactorily fulfilled the CDL accreditation course. The form shall be signed by an authorized official of the school.
- f) The Secretary of State shall suspend or revoke, cancel or deny the license and/or accreditation of any driver training school or driver training instructor if the school or instructor fails to comply with the provisions of this Part or 49 CFR 383.

(Source: Amended 25 24 Ill. Reg. 15143, effective 03/05/2000)

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- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Numbers: Emergency Action:
121.60 Amendment
121.61 Amendment
121.63 Amendment
121.64
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
- 5) Effective Date of Amendments: October 1, 2000
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date filed with the Index Department: October 1, 2000
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This rulemaking increases income standards and benefit allowances and determines how those income standards and benefit allowances are to be applied. These increases and changes are mandated by the Food and Nutrition Services of the Federal Department of Agriculture to be effective October 1, 2000 and impact the welfare of all recipients of food stamps.
- 10) A Complete Description of the Subject and Issues Involved: This rulemaking revises the income eligibility standards and benefit allowances and determines how those income standards and benefit allowances are to be applied. These changes are made to conform with Food and Nutrition Service regulations.
- 11) Are there any other amendments pending on this Part? Yes
- Section Numbers Proposed Action Illinois Register Citation
121.63 Amendment 24 Ill. Reg. 8186, 6/16/00
- 12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 13) Information and questions regarding this amendment shall be directed to:

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Ms. Susan Weir, Bureau Chief
Bureau Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
FOOD STAMPS

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121.2	Time limitations on the Disposition of an Application
121.3	Approval of an Application and Initial Authorization of Assistance
121.4	Denial of an Application
121.5	Client Cooperation
121.6	Emergency Assistance
121.7	Expedited Services
121.10	Interviews

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121.18	Work Requirement
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121.50	Exempt Earned Income
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121.53 Income From Rental Property
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121.61 Gross Monthly Income Eligibility Standards
EMERGENCY
121.62 Income Which Must Be Annualized
121.63 Deductions From Monthly Income
EMERGENCY
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SUBPART E: HOUSEHOLD CONCEPT

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121.70 Composition of the Assistance Unit
121.71 Living Arrangement
121.72 Nonhousehold Members
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121.74 Strikers
121.75 Students
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Categorical Eligibility

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Section
121.80 Fraud Disqualification (Renumbered)
121.81 Initiation of Administrative Fraud Hearing (Repealed)
121.82 Definition of Fraud (Renumbered)
121.83 Notification To Applicant Households (Renumbered)
121.84 Disqualification Upon Finding of Fraud (Renumbered)
121.85 Court Imposed Disqualification (Renumbered)
121.90 Monthly Reporting and Retrospective Budgeting (Repealed)
121.91 Monthly Reporting (Repealed)
121.92 Retrospective Budgeting
121.93 Issuance of Food Stamp Benefits
121.94 Replacement of the EBT Card or Food Stamp Benefits
121.95 Restoration of Lost Benefits
121.96 Uses For Food Coupons

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121.97 Supplemental Payments
121.98 Client Training for the Electronic Benefits Transfer (EBT) System
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121.107 New State Food Program
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121.135 Incorporation By Reference
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121.180 Grant Diversion Component (Repealed)
121.182 Earnfare Component
121.184 Sanctions
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121.190 Conciliation and Fair Hearings
121.200 Types of Claims (Recodified)
121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203 Collecting Claim Against Households (Recodified)
121.204 Failure to Respond to Initial Demand Letter (Recodified)

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121.205 Methods of Repayment of Food Stamp Claims (Recodified)
 121.206 Determination of Monthly Allotment Reductions (Recodified)
 121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
 121.208 Suspension and Termination of Claims (Recodified)

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Section
 121.220 Work Requirement Components
 121.221 Meeting the Work Requirement with the Earnfare Component
 121.222 Volunteer Community Work Component
 121.223 Work Experience Component
 121.224 Supportive Service Payments to Meet the Work Requirement
 121.225 Meeting the Work Requirement with the Illinois Works Component
 121.226 Meeting the Work Requirement with the JTPA Employability Services Component

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12319, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill.

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Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17988; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8998, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15584, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13653, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619,

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effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 10011, effective January 1, 1992; for a maximum of 150 days; amended at 16 Ill. Reg. 16011, effective June 15, 1992; amended at 16 Ill. Reg. 16221, effective October 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1994, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13553, effective October 13, 1999, for a maximum of 150 days;

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emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days.

SUBPART D: ELIGIBILITY STANDARDS

Section 121.60 Net Monthly Income Eligibility Standards

EMERGENCY

a) Eligible households whose net monthly income does not exceed the maximum monthly income standards shall be assigned food stamp benefits based on the net monthly food stamp income.

b) The maximum net monthly income standards are:

	Household Size	Amount
1.....	\$ 696 687
2.....	938 922
3.....	1,180 757
4.....	1,421 792
5.....	1,663 787
6.....	1,905 782
7.....	2,146 787
8.....	2,388 792
Each additional member.....		242 795

Derived from Office of Management and Budget non-farm, income poverty guidelines.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days)

Section 121.61 Gross Monthly Income Eligibility Standards

EMERGENCY

a) Gross Monthly Income Eligibility Standards

1) The gross income standards of eligibility shall be 130 percent of the nonfarm income poverty guidelines prescribed by the Office of Management and Budget (see 7 CFR 273.9(a)(1)(1990)). However, categorically eligible households and households containing a member who is elderly, blind or disabled will be exempt from this gross income check (see also 7 CFR 273.9(c)(1990)). To qualify for increased benefits, a household must contain a member who meets one of the following requirements:

- A member is 60 years of age or older. An individual is considered age 60 in the fiscal month in which he or she becomes 60.
- A member receives Supplemental Security Income (SSI)

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benefits under Title XVI of the Social Security Act, (this includes the household where the member is receiving SSI income pending a final decision from the Social Security Administration. This SSI income is being provided on a temporary or emergency basis).

- C) A member receives Social Security disability or blindness benefits under Title II (RSDI) of the Social Security Act.
 D) A member receives State Supplemental Payment (SSP) due to blindness or disability.
 E) A veteran with a service-connected disability rated or paid as totally disabled by the Department of Veterans Affairs (VA).

F) A veteran considered by the VA to be in need of regular aid and attendance or permanently housebound.

G) A veteran's surviving spouse who is considered in need of aid and attendance or considered permanently housebound by the VA or a veteran's surviving child who is considered permanently incapable of self-support by the VA.

H) A veteran's surviving spouse or child entitled to compensation for a service-connected death or pension benefits for a non-service-connected death from the VA, if the spouse or child also has a disability considered permanent under Social Security requirements.

I) A member receives Federal, state, or local government disability pension and is considered permanently disabled under Social Security requirements.

J) A member receives Railroad Retirement disability benefits.

K) A member receives an annuity payment from Railroad Retirement and is eligible for Medicare.

L) A member receives disability-related medical assistance benefits (Categories 97, 93 and P3) under Title XIX (Medicaid) of the Social Security Act.

- 2) For those veterans, surviving spouses, or children mentioned in subsections (a)(1)(F) and (G) of this Section, proof of receipt of VA disability benefits is sufficient verification of disability. For those veterans mentioned in subsection (a)(1)(E) of this Section, a verified statement, in writing, from the VA that the individual is totally disabled must be provided. To verify disability for those individuals mentioned in subsection (a)(1)(H) of this Section, the individual must provide a statement from the Social Security Administration or from a physician licensed under the Medical Practice Act of 1987 (225 ILCS 60), or a licensed or certified psychologist under the Clinical Psychologist Licensing Act [225 ILCS 15] that the individual suffers from one of the disabilities listed in the Preamble to Section 221(1) of the Social Security Act (42 USC 421(1)) or if the disability is obvious, by the observation of the caseworker (for example, permanent loss of use of both

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hands).

b) Household Size	Gross Income
One Person	\$ 905 099
Two Persons	1,219 1799
Three Persons	1,533 1794
Four Persons	1,848 17619
Five Persons	2,162 2115
Six Persons	2,476 21431
Seven Persons	2,790 27756
Eight Persons	3,104 37636
Each Additional Member	315 1466

(Source: Amended by emergency rulemaking at 24 Ill. Reg. effective October 1, 2000, for a maximum of 150 days)

Section 121.63 Deductions From Monthly Income

EMERGENCY

- a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly food stamp income.
 b) Earned Income Deduction. Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.
 c) Standard Deduction. The standard deduction is \$134 per household per month, except--in cases in which the person receiving the food-stamp benefits also receives FAP cash assistance--those households receive a reduced amount of the standard deduction as negotiated between the Food and Nutrition Service and the Department.

d) Dependent Care Deduction

- 1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria (contained in 89 Ill. Adm. Code 112.70 through 112.73) or to attend training or pursue education which is preparatory for employment.

2) The amount of the deduction is to be determined by the actual costs for care and is not to exceed \$200 per month for each child under age 2 and \$175 per month for each other dependent household member.

e) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.

f) Shelter Costs Deduction

- 1) The shelter deduction is the amount of shelter costs that exceed 50% of the household's total income after the allowable deductions in subsections (b), (c), (d), and (e) of this Section

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- have been made. The shelter deduction shall not exceed \$300 \$275.
- 2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 (1990) and Section 121.61, there is no limit on the amount of the excess shelter deduction.
 - 3) Shelter costs include only the following:
 - A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);
 - B) property taxes, State and local assessments and insurance on the structure itself; and
 - C) utility costs, as described in subsection (g) of this Section.
 - 4) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:
 - A) the household intends to return to the home;
 - B) the current occupants of the home, if any, are not claiming the shelter costs for food stamp purposes; and
 - C) the home is not leased or rented during the absence of the household.
 - 5) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.

g) Utility Costs

- 1) Utility costs include:
 - A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection fees;
 - B) basic service fee for one telephone (including tax on the basic fee) of \$27; and
 - C) fees charged by the utility provider for initial installation.
- 2) Utility deposits are not considered to be utility costs.
- 3) Except for households that claim utility expenses for an unoccupied home, either the air conditioning/heating standard or the electricity standard must be used if the household is billed for air conditioning, heating or electricity. See Section 121.63(g)(7) for households that claim utility expenses for an unoccupied home. Households ~~whose households~~ that which are billed for heating or air conditioning, or both, or heating, air conditioning and electricity, must use the air conditioning/heating standard allowance of \$222. Those households that are not billed for air conditioning or heating but are billed for electricity must use the electricity standard allowance of \$147. ~~separately--from their rent or mortgage--may claim the standard-utility allowance of \$299.~~ Households living

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- in rental housing who are billed on a regular basis by a landlord for costs for heating--or air conditioning, heating, or electricity must use the appropriate standard. ~~or both--may--use the standard-utility allowance--if utility usage is determined through a meter--or otherwise is verifiable--or if the charge--for heating--or--air--conditioning--or both--is separate--and identifiable.~~ If the air conditioning/heating standard allowance or the electricity standard utility allowance is used, then no other utility costs may be claimed. If actual utility costs are allowed because the household does not qualify for either standard, ~~exceed the standard-utility allowance~~ then actual, verified costs may be claimed, except that if a separately-billed phone expense is claimed only the basic telephone allowance of \$27 per month is allowed. ~~The client may switch between the standard-utility allowance and actual utility costs only at recertification.~~
- 4) ~~A However, during the heating or cooling season, a household that is billed less often than monthly for its costs for heating, or air conditioning, or electricity must both--but is otherwise eligible to use the standard-utility allowance--may continue to use the air conditioning/heating standard standard-utility allowance or the electricity standard allowance, whichever is appropriate, between billing months.~~
 - 5) Households in public housing or privately owned rental units that receive a bill for over-usage are not entitled to use the air conditioning/heating standard allowance or the electricity standard allowance. When households (as defined at 7 CFR 273.1(a) (1990)) live together, the air conditioning/heating standard allowance or the electricity standard allowance, whichever is appropriate, shall be divided equally among the households that contribute toward the utility costs whether or not each household participates in the program.
 - 6) Households whose expense for heat or electricity, or both, is covered by indirect energy assistance payments under the Illinois Home Energy Assistance Program (47 Ill. Adm. Code 100) shall be entitled to the air conditioning/heating standard allowance or the electricity standard allowance, whichever is appropriate (7 CFR 273.9 and 273.10(d)(6) (1990)). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or electricity, or both, are covered by indirect energy assistance payments.
 - 7) When the household claims a utility expense for an unoccupied home (as defined in Section 121.63(f)(4)), actual utility expenses are allowed for the unoccupied home as well as the current residence. The air conditioning/heating standard or the electricity standard is not used for either home. The appropriate utility standard may be used if the household chooses not to claim utilities for the unoccupied home.

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- 7) ~~those households that are not billed separately for either heat or conditioning or electricity are not entitled to claim either the air conditioning/heating standard allowance or the electricity standard allowance but may claim the actual utility amounts for which they are billed separately, subject to the per-month limitation for telephone expense.~~
- b) ~~Excess Medical Deduction. A deduction for excess medical expenses shall be allowed for households which contain an elderly or disabled member as defined at 7 CFR 271.2 (1990) and Section 121.61. The medical expenses incurred by the qualifying household member which are over \$5 will be deducted, if the expenses will not be reimbursed by insurance or a third party.~~

(Source: Amended by emergency rulemaking at 24 Ill. Reg. _____, effective October 1, 2000, for a maximum of 150 days)

Section 121.64 Food Stamp Benefit Amount**EMERGENCY**

- a) The monthly food stamp benefit amount is determined by subtracting 30% of the adjusted net monthly income from the maximum monthly food stamp benefit amount.
- b) Maximum Monthly Food Stamp Benefit Amount:

Household size

1.....	\$130 427
2.....	\$228 254
3.....	\$321 355
4.....	\$414 426
5.....	\$515 586
6.....	\$618 687
7.....	\$683 674
8.....	\$781 767
Each Additional Member.....	+\$ 98 96

- c) All one and two-person households will receive a minimum monthly food stamp benefit amount of \$10.00
- d) September Food Stamp Benefit Amount Adjustment
- The annual revisions of maximum gross and net income standards, standard deduction, maximum excess shelter deduction and food stamp benefit amounts are effective October 1st of each year. Because the September fiscal month of certain households includes days which fall in the October calendar month, the portion of the September fiscal food stamp benefit amount covering October 1st and later must be increased to reflect the new standards.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. _____, 15481)

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NOTICE OF EMERGENCY AMENDMENTS

effective October 1, 2000, for a maximum of 150 days)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF WITHDRAWAL IN RESPONSE TO A RECOMMENDATION BY THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Research
- 2) Code Citation: 77 Ill. Adm. Code 2075
- 3) Section Numbers Proposed Action:
2075.10 Repeal
- 4) Date Notice of Proposed Amendments Published in the Illinois Register:
June 16, 2000, 24 Ill. Reg. 8197
- 5) Date JCAR Statement of Recommendation published in the Register: October 6, 2000, 24 Ill. Reg. 14806
- 6) Summary of Action Taken by Agency: The Department has decided that the current rules for Research are sufficient. This rulemaking is being withdrawn in response to a Recommendation by the Joint Committee on Administrative Rules at its September 19, 2000 meeting.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of October 3, 2000 through October 10, 2000 and have been scheduled for review by the Committee at its November 14, 2000 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
11/16/00	Department of Nuclear Safety, Quality Standards and Certification Requirements for Facilities Performing Mammography (32 Ill Adm Code 370)	8/11/00 24 Ill Reg 11726	11/14/00
11/16/00	Department of Nuclear Safety, Accrediting Persons in the Practice of Medical Radiation Technology (32 Ill Adm Code 401)	8/18/00 24 Ill Reg 12206	11/14/00
11/16/00	Department of Nuclear Safety, Access to Facilities for Treatment, Storage, or Disposal of Low-Level Radioactive Waste (32 Ill Adm Code 609)	8/18/00 24 Ill Reg 12156	11/14/00
11/17/00	Illinois Commerce Commission, Certification Requirements and Standards of Service for Meter Service Providers (83 Ill Adm Code 460)	5/12/00 24 Ill Reg 7028	11/14/00
11/19/00	Department of Commerce and Community Affairs, County Economic Development Project Area Property Tax Allocation Financing (14 Ill Adm Code 526) (Repealer)	6/30/00 24 Ill Reg 8671	11/14/00
11/19/00	Department of Commerce and Community Affairs, Economic Development Area Tax Increment Allocation Financing (14 Ill Adm Code 525) (Repealer)	6/30/00 24 Ill Reg 8678	11/14/00

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

11/19/00	Department of Commerce and Community Affairs, Corridors of Opportunity Program (14 Ill Adm Code 630) (Repealer)	6/30/00 24 Ill Reg 8658	11/14/00
11/23/00	Department of Central Management Services, Pay Plan (80 Ill Adm Code 310)	4/7/00 24 Ill Reg 5802	11/14/00
11/23/00	Department of Central Management Services, Pay Plan (80 Ill Adm Code 310)	5/26/00 24 Ill Reg 7574	11/14/00
11/23/00	Department of Revenue, Cigarette Tax Act (86 Ill Adm Code 440)	7/21/00 24 Ill Reg 10589	11/14/00
11/23/00	Department of Revenue, Cigarette Use Tax Act (86 Ill Adm Code 450)	7/21/00 24 Ill Reg 10591	11/14/00

PROPOSED

47-125-43R
59-310-43
77-2500-43
77-2510-43
77-2530-43
77-2540-43
89-104-43
89-121-43

ADOPTED

11-452-43
35-580-43
89-50-43
89-121-43
92-1060-43

EMERGENCY

89-121-43

PERMPTORY

Rules acted upon during the calendar quarter from Issue 43 through Issue 53 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jphale@ccgate.sos.state.il.us on the Internet.

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